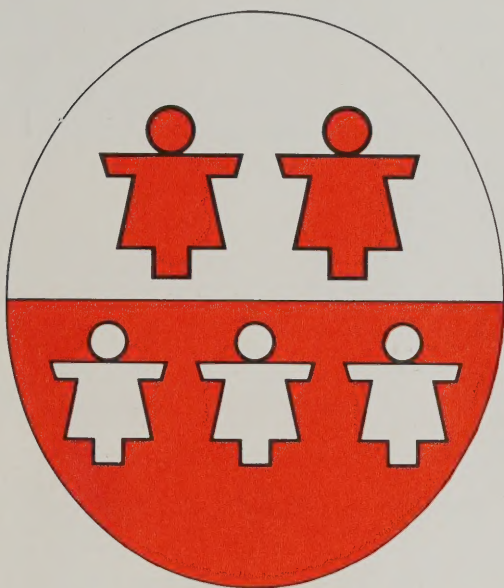


Two out of five women in Ontario work



and other interesting
statistics . . .

Two out of every five women in Ontario work
1.2 million Ontario women work outside the home.

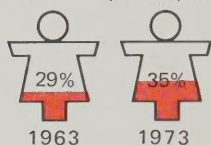
42% of all Ontario women work outside the home.

Women are the fastest growing component of the Ontario labour force

72% more Ontario women worked in 1973 than in 1963.

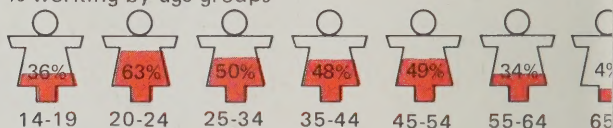
30% more Ontario men worked in 1973 than in 1963.

% female participation in Ontario workforce



Women of all ages work in Ontario

% working by age groups



The majority of women who work are married

61% of Ontario's working women are married.

40% of all Ontario's wives work.

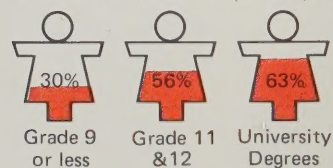
Women with children work

33% of Ontario's employed women had children under age 16 in 1970.

11% of Ontario's employed women had children under age 6 in 1970.

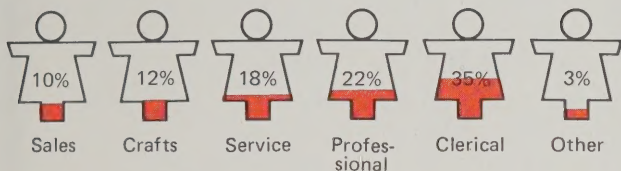
The more educated a woman is, the more likely she is to work

1971 Ontario female participation



Women generally work in what have been considered "women's jobs"

% women employees, Canada 1973,
based on 10 month average.
Occupational definitions revised 1973



3% of employed women are in managerial positions.

16% of women working in professional occupations work in health and teaching areas.

Over 70% of the employees in health and clerical occupations are women.

Over 50% of the employees in service and teaching occupations are women.

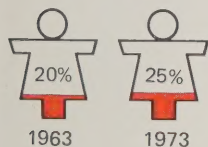
Women are the fastest growing components of labour unions

23% of Canadian union members were women in 1970.

Women union membership in Canada grew by 106% between 1962 and 1970.

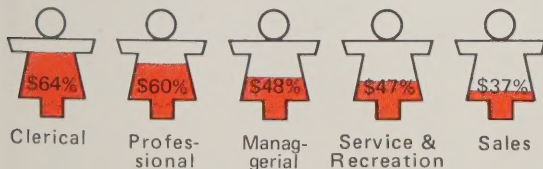
Many women work part-time

% employed Canadian women working part-time
(less than 35 hours a week)



Women earn less than men

Canadian women's income as % of men's, 1971
(full time workers only)



The working woman in Ontario — who is she?

She is:

- 2 out of every 5 women
- 35% of the labour force
- 27 years of age, average
- likely to be married
- probably educated beyond grade 11
- almost certainly working in a service producing industry
- most probably working in what has been considered a “woman’s job”
- one out of every 5 union members
- with few exceptions, earning less than the Ontario average employment income

Note: Unless otherwise stated, all figures are for 1973. The information was obtained from Statistics Canada. Working is defined as in the labour force.

ONTARIO WOMEN’S BUREAU

400 UNIVERSITY AVENUE
TORONTO, ONTARIO M7A 1T9
965-1537



Ontario

Ministry of
Labour

FACT SHEET

WORKING WOMEN IN ONTARIO - 1973

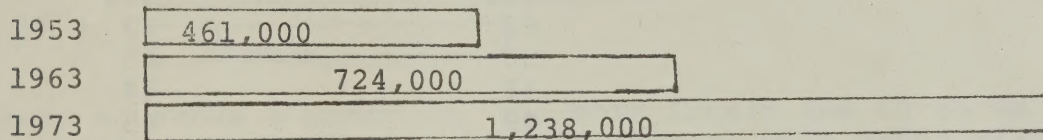
Introduction

Ontario is experiencing an enormous social change. Women are steadily and dramatically entering the world of paid work. This change, however, has been quantitative only. Women are still crowded into the few low-paying occupations they have traditionally held.

Labour Force Participation

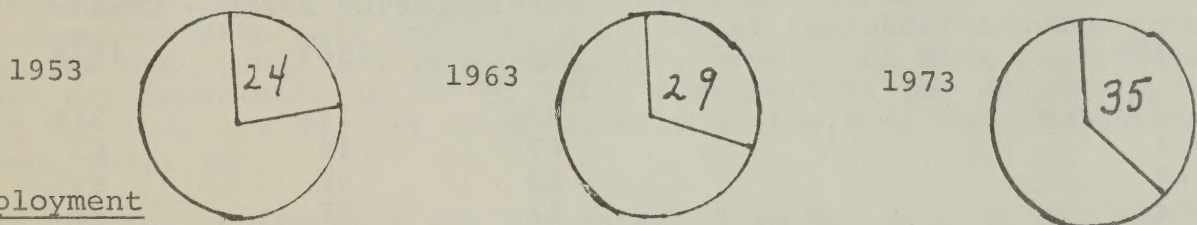
Ontario's female labour force has increased by 168% in the last two decades.

Women in Ontario's Labour Force



Correspondingly, the percentage of all Ontario's women over age 15 years in the labour force has dramatically increased from 25.9% in 1953, to 32.5% in 1963, and 41.6% in 1973. This increased labour force participation has increased women's share of the total labour force. (1)

% of Women in Total Labour Force



Unemployment

In this area, at least, Ontario's women have reached equality with men. Both sexes had an unemployment rate of 3.8% in 1973. The unemployment rate for all Canadian women of 5.1% was slightly lower than that of 5.9% for men.

Women's increasing labour force participation has been mirrored by an increased rate of unemployment from 1.6% in 1953 to 5.1% in 1973. Women, aged 14-19 years, were the worst hit by unemployment, with a rate of 10.8%. (2)

Part-time Work

In 1973, 24.6% of Canadian working women were employed less than 35 hours a week. The percentage of women working part-time has more than doubled in the last 20 years. (3)

% of Working Women Employed Part-time

1953	10.7%
1963	19.7%
1973	24.6%

Age

As would be expected, the highest participation rate* of Ontario's women is in the age group, 20-24 years. However, almost half of Ontario's women in their chief child-bearing and child-rearing years (25-54 years) are in the labour force.

Age (4)	Participation Rates by Age	
	Ontario	Canada
14-19 years	36%	34%
20-24	63	63
25-34	50	45
35-44	48	44
45-54	49	43
55-64	34	31
65+	4	4

During the past twenty years the major increases in women's work pattern have occurred in the age group 25-44 years where the percent of women in the labour force has almost doubled, and in the age group 45-64 where participation has more than doubled.

Age (5)	Participation Rates - Canada		
	1953	1963	1973
14-19 years	33%	25%	34%
20-24	47	48	63
25-44	23	31	44
45-64	17	31	37
65+	3	6	4

Marital Status

The participation rate of married women has almost trebled in the last two decades from 15% of Ontario's married women in the labour force in 1951, to 40% in 1973. Correspondingly, the percentage of Ontario's female labour force who are married has risen from 38% in 1951 to 61% in 1973. (6)

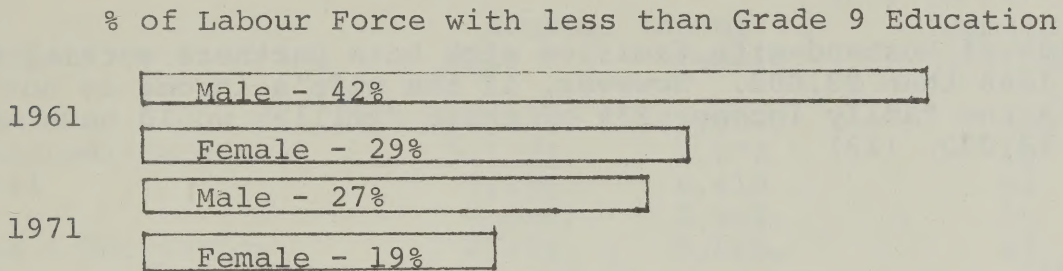
In 1970 it was estimated that, in Ontario, 330,000 women workers had children under age 16, and one-third of these women had children under age 6. An estimated 20% of Ontario's mothers with children under age six were in the labour force.

*participation rate is the labour force as a percentage of the population 14 years of age and over. The participation rate for a particular group is the labour force in that group as a percentage of the population of that group. Therefore a female participation rate of 36 in the age group 14-19 would indicate that 36% of all women in the age group 14-19 years are in the labour force.

An estimated 135,000 children under age six in Ontario had working mothers and likely required day care arrangements. This represents 17% of all Ontario children under age six. (7)

Education and Training

The decade 1961-1971 has shown a dramatic increase in the level of educational attainment of Ontario's labour force, both male and female. The female labour force, however, remains somewhat better educated than the male.



The more educated a woman is, the more likely she is to be in the labour force. Only one-quarter of Ontario's women with under grade 5 education worked; whereas 63% of Ontario's female university graduates worked in 1971. (8)

During the academic year 1972-73, 49,000 women were attending Ontario universities full-time, 36% of the total enrolment. 29,000 women were attending universities part-time, making up 47% of part-time enrolments. 91% of Ontario's full-time female college students were enrolled at the undergraduate level; 4% at the M.A. level, and 2% at the Ph.D. level. This compares with male enrolments of 84% at the undergraduate level; 7% at the M.A. level and 5% at the Ph.D. level. Of more significance, female enrolment made up 38% of total enrolment at the undergraduate level but only 24% and 19% of enrolments at the M.A. and Ph.D. levels respectively. (9)

Women university students are concentrated in the general academic programmes and training programmes for the traditionally female professions. Fully 82% of all female, full-time B.A. and first professional level enrolments are in Arts and science, education, household science, nursing, and social work. As the following figures indicate, few women have penetrated the predominantly male professional fields.

Profession	Females as % of Total Students
Architecture	13.7%
Commerce	11.8%
Engineering	1.4%
Law	14.4%
Dentistry	7.0%
Medicine	19.5%
Veterinary Medicine	19.7%

In the academic year 1971-72, there were 12,400 women enrolled in Ontario community colleges, 33% of the total enrolment. (10)

Financial Need to Work

In 1973, 481,000 women in Ontario's labour force were either single, divorced or widowed. 39% of Ontario's working women were self-supporting. (11) It is likely that some of the married working women were also self-supporting because their husbands were unemployed, disabled or not present.

For many families, two incomes are now necessary to maintain an adequate standard of living. For example, in 1971, 23% of Canadian families with only one income recipient had incomes of less than \$5,000. Only 18% of families with both husband and wife income recipients, had incomes of less than \$5,000. (12)

In 1961, 10% of husband-wife families with both partners working had an income of less than \$3,000. However, if the wife's income is not included in the family income, 23% of these families would have earned less than \$3,000. (13)

Income (14)

Families

It was estimated that there were 136,000 families in Ontario, in 1971, with female heads. 46% of these families had an income of less than \$4,000; whereas only 9% of the estimated 1.7 million male headed families in Ontario had an income of below \$4,000. The median income of Ontario's female headed families was \$3,540. and for male headed families, \$10,162. That is, families unfortunate enough to have a female head had an income of only 35% of that of male headed families. The situation is even more extreme if the female head is younger than age 35. The median income of such families was \$2,886 or 30% of that of similar male headed families. Fully 65% of all young female headed families had incomes of less than \$4,000.

In Canada, in 1971, there were an estimated 338,000 single parent families, of which 85% were headed by women. 48% of female headed single parent families had incomes of less than \$4,000; whereas only 23% of male headed single parent families had incomes under \$4,000. The median income of female headed single parent families was 55% of that of male headed single parent families.

Although female headed families, in Canada, in 1971, made up only 7% of all Canadian families, they formed 20% of all Canadian low income families. 44% of all Canadian female headed families were classified as low income, whereas only 14% of all male headed families were poor.

Individuals

In 1971, 68% of Ontario's women had an income of less than \$4,000. compared with 28% of Ontario's men. The median income of Ontario's women was 31% of that of Ontario's men.

Except for the age groups under 20 years and over 70 years, the median

income of Ontario's women never was more than 40% of that of men. For all age groups, over half of Ontario's women had incomes of less than \$4,000.

Earnings (15)

In 1971, Canadian women employed full-time earned an average income of \$4,755. and men of \$8,513. Women earned only 56% of men's earnings. This earnings differential for full-time workers was reflected across occupations in 1971.


Occupation	Average Income		Female as % of Male
	Male	Female	
Managerial	\$11,128.	\$5,366.	48%
Professional-Technical	12,104.	7,276.	60
Clerical	7,226.	4,610.	64
Sales	7,896.	2,947.	37
Service & Recreation	6,379.	3,000.	47

Occupation (16)

Traditionally women have been employed in very few occupational areas. This tradition had not changed in 1973. Over 60% of working women were employed in clerical, sales and service occupations. Over half the persons employed in the typically female occupations (teaching, health, clerical and service) were women.

Occupation	Women as % of total employees in each occupation	% of Women employees
Managerial	17.4	2.7
Teaching	56.7	7.0
Health	74.0	9.4
Other Professions	19.6	3.3
Clerical	72.4	35.1
Sales	31.7	10.1
Service	50.8	17.8
Primary Resource	11.4	2.4
Other Crafts	12.3	12.1

(Note: based on 10 month average)



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761120597273>

SPECIAL STUDIES

Top Management

Women are almost absent from the decision-making level of the board room and executive suite. An analysis of 55 large firms listed in the Financial Post's Survey of Industrials, 1968 and Directory of Directors, 1967 found that, out of 5,889 directorships and 1,469 corporate offices, only 41 directorships and 8 offices were held by women. i.e., Women held less than 1 per cent of the top corporate positions in Canada. (17)

Federal Public Service

In 1967, 83.0 per cent of all women public servants were in office or administrative support jobs, while only 5.5 per cent were in administrative jobs.

In the same year, 30 per cent of men compared to only 10 per cent of women public servants earned more than \$6,000. per annum. In 1968 the chances of a man receiving \$10,000 or over were 12 times as great as those of a woman - the chances of him receiving \$14,000 or over were 18 times as great. (18)

Banking

A survey conducted for the Royal Commission on the Status of Women found that, in the senior executive group (i.e. above branch manager) there were 326 men and only one woman. 43 per cent of all male bank employees, but only 2 per cent of all female employees were employed at the management level.

Women's poor representation in management was reflected in significant sex differences in earnings. 89.7 per cent of all women employed in chartered banks earned less than \$5,000, while 72.3 per cent of all men employees earned more than \$5,000 per annum. (19)

Manufacturing

In 1969, women made up 26.2 per cent of all salaried employees in the Canadian manufacturing industry; but they were concentrated among the general clerical and related workers, where they made up 49.9 per cent of the total. Women constituted only 5.0 per cent of the higher level salaried employees (i.e. executive, administrative, supervisory, professional, and travelling salesmen directly responsible to the administration.)

Once again, the concentration of women into lower level positions is reflected by an earnings gap. In 1969, the average weekly salary of male salaried employees in manufacturing was \$178.60, while for females it was \$92.86. Even those women in salaried positions other than clerical and related earned less, on the average, than their male colleagues - \$114.98 and \$195.66 respectively. (20)

Retail Trade

A survey of department stores conducted for the Royal Commission on the Status of Women found that women made up 71 per cent of all sales clerks and cashiers, but only 23 per cent of all departmental managers, and 22 per cent of all specialist buyers. (21)

1970 data for Ontario shows consistently lower average hourly earnings for women employees. (22)

<u>Establishment Size and Type of Employee</u>	<u>Male - \$</u>	<u>Female - \$</u>
Large Establishments:		
Full-time	3.11	2.10
Part-time/casual	1.79	1.66
Head Office	4.79	2.69
Small Establishments:		
Full-time	2.72	1.85
Part-time/casual	1.68	1.59

Office Occupations

In 1972, in Toronto, women's average salary rates per week were consistently lower than men's in ten office occupations. (23)

	<u>Male - \$</u>	<u>Female - \$</u>
Accounting Clerk: Junior	116.	99.
Senior	159.	125.
Bookkeeper: Senior	168.	136.
Clerk: Junior	98.	90.
Intermediate	129.	113.
Senior	167.	132.
Cost Accounting Clerk	144.	113.
Material Record Clerk	138.	101.
Order Clerk	140.	114.
Tabulating Machine Operator	129.	116.

School Teaching

1968-1969 data from 8 provinces shows that, although women made up 68 per cent of all elementary and secondary school teachers, they only formed 24 per cent of principals. (24)

In the academic year 1970-71, 28% of the staff in Ontario's vocational schools were women. However, women formed only 7% of vocational schools administrative staff.

The female teaching staff earned a median income of \$9,731. and the male

teaching staff earned a median salary of \$11,113. However, over 90% of the female staff had less than three years experience at their school whereas 79% of the male staff had less than 3 years experience. (25)

University Teaching

In 1970-71, there were 3109 women employed in Canadian universities and colleges. Few women held senior positions within the university. Only 4% of deans and 3% of professors were women; while 30% of lecturers were women.

This concentration of women in the less prestigious and lower paying positions is clearly demonstrated in the following table.

<u>Rank</u>	<u>% Women</u>	<u>% Men</u>
Dean	0.5	1.5
Professor	4.8	19.9
Associate Professor	39.8	27.9
Assistant Professor	36.3	36.4
Lecturer	2.0	12.5
Other	17.6	1.8
Total	100.0	100.0

Much of this concentration will be due to the lower educational achievement of women in universities and colleges. Only 28% of the women employed in institutes of higher education had doctorates, compared with 55% of the men. (26)

A study of the earnings differential between men and women academics for the year 1965-66 found that the average salary for male academics was \$10,690, while for females it was \$8,428. About half of the \$2,262 gap could be accounted for by sex differences in age, degree held, field of specialization, university, region, or academic rank. But the rest of the difference was a "pure" sex differential. (27)

Scientists and Engineers

Only 3.7% of the Canadian scientists and engineers surveyed in 1967 were women. Almost half of the women surveyed worked in the social sciences. Women scientists and engineers seldom achieved positions of general responsibility. They worked primarily within specialized fields.

<u>Work Function</u>	<u>%Men</u>	<u>%Women</u>
Administration/management	26.8	8.3
Supervision	10.2	9.5
Research	7.5	16.7
Teaching	9.5	20.0
Counselling/Case Work	1.0	19.8

Since managerial/administrative positions tend to carry higher salaries than specialized positions, it's not surprising that women earned less

than men. Women in this survey, in fact, earned 71% of male incomes. One surprising finding in this survey is the relationships of sex, education and income. Women scientists and engineers with a doctorate earned median incomes of slightly less than men with a general bachelor's degree. (28)

<u>Level of Education</u>	<u>Median Earnings</u>	
	<u>Male</u>	<u>Female</u>
Professional certification	\$11,248.	\$7,250.
Bachelor	10,600.	7,140.
Bachelor (Honours)	11,000.	7,400.
Master	11,200.	8,000.
Doctorate	12,872.	10,320.

Women in Unions

In 1971, 176,342 women in Ontario belonged to unions. Women composed 20% of all Ontario's union members. In 1962, women made up on 15% of Ontario's union members. Nationally, 23.5% of all union members are women; up from 16.4% in 1962. (29)

Prepared by: Women's Bureau
Women's Programs Division
Ontario Ministry of Labour

REFERENCES

1. Statistics Canada. The Labour Force - monthly report. (Catalogue No. 71-001)
 2. idib.
 3. idib.
 4. Statistics Canada. Detailed provincial labour force data. monthly.
 5. Statistics Canada. Seasonally adjusted labour force statistics. Jan. 1953 - Dec. 1971. Ottawa: Information Canada, 1972.
 6. The labour force.....op. cit.
 7. Dept. of Treasury and Economics. Day care nurseries: an analysis of potential need in Ontario. 1970.
 8. Statistics Canada. Advance Bulletin. 1971 Census of Canada. "Labour force by level of schooling." (Cat. No. 94-786.)
 9. Statistics Canada. Education division. "Preliminary statistics on 1972-73 fall enrolments in Canadian universities." Service Bulletin. Vol. 3, No. 1. (Cat. No. 81-001)
 10. Statistics Canada. Education division. "Canadian community college enrolments." Service Bulletin. Vo. 2, No. 1. (Cat. No. 81-001)
 11. Statistics Canada. Detailed provincial labour force data.....op. cit.
 12. Statistics Canada. Income distributions by size in Canada, 1971. Ottawa: Information Canada. 1973 (Cat. No. 13-207)
 13. Podoluk, Jenny - Income of Canadians. Dominion Bureau of Statistics. 1961 Census Monograph, Ottawa. 1968.
 14. Income distribution.....op. cit.
 15. Income distribution.....op. cit.
 16. Statistics Canada. The labour force. Employment-unemployment. monthly.
 17. Report of the Royal Commission on the Status of Women in Canada. Ottawa: Information Canada. 1970.
 18. Judek, S. - Women in the public service: their utilization and employment. Ottawa: Canada Department of Labour. 1968.
- Archibald, K. - Sex and the public service: a report to the Public Service Commission of Canada. Ottawa: Public Service Commission. 1970.
19. Bossen, M. - Manpower utilization in Canadian chartered banks. Study No. 4 of the Royal Commission on the Status of Women in Canada. Ottawa: Information Canada. 1971.

20. Dominion Bureau of Statistics. Earnings and hours of work in manufacturing: 1969. Ottawa. 1971. (Cat. No. 72-204)
21. Bossen, M. - Patterns of manpower utilization in Canadian department stores. Study No. 3 of the Royal Commission on the Status of Women in Canada. Ottawa: Information Canada. 1971.
22. Canada Department of Labour, Women's Bureau. Women in the labour force, 1971: facts and figures. Ottawa: Information Canada. 1973.
23. Labour Canada. Wage rates, salaries and hours of labour, 1972. Ottawa: Information Canada. 1973
24. Women in the labour force, 1971op. cit.
25. Statistics Canada, Education division. "Educational staff in vocational schools, 1970-71." Service Bulletin. Vol. 2, No. 7. (Cat. No. 81-001)
26. Statistics Canada. Salaries and qualifications of teachers in universities and colleges, 1970-71. Ottawa: Information Canada. 1972. (Cat. No. 81-203)
27. Robson, R. - "A comparison of men's and women's salaries in the academic profession." Canadian Association of University Teachers Bulletin, Feb. 1969. (also reprinted as Study No. 1 of the Royal Commission on the Status of Women in Canada.)
28. Atkinson, A. G., Barnes, K. J. and Richardson, Ellen - Canada's highly qualified manpower resources. Ottawa: Canada Department of Manpower and Immigration. 1970.
29. Statistics Canada. Corporations and labour unions returns act. Report for 1971, Part II - labour unions. Ottawa. 1973. (Cat. No. 71-202)

EQUAL OPPORTUNITY FOR WOMEN IN ONTARIO

A More Detailed Summary of Recommendations of "A Plan for Action"

1. The Government will re-examine the Employment Standards Act, to broaden the concept of equal pay; it will seek to enact law to deal with white-collar and professional income discrimination, which now is real but unregulated. (page 4)
2. The Government may lengthen Ontario's statutory maternity leave to 18 weeks from 12, to conform with federal Unemployment Insurance Act changes (page 5). Also, the leave may be allowable before birth.
3. The protection of women's rights (against sex or marital-status discrimination) should be ensured by specialists within the Ontario Human Rights Commission. (The Ontario Women's Bureau in the Labour Ministry does it now.) (page 6)
4. The Province intends to demonstrate and advertise women participating in technical and managerial functions (page 7). And men will be shown or mentioned in presently female-dominated occupations and professions.
5. The Government proposes considering integrating now separate bargaining units for part-time and full-time workers. Also, it will reconsider establishing equal pay rates for part-time workers (page 8). Also, the Government proposes a major feasibility study of providing more part-time work.
6. The Government will consider weighing the value of work performed, as well as market factors, in setting OPS salaries. (page 9)
7. Pension Board should examine optional rather than compulsory contributions during maternity leave; and the Government may keep up its benefits contributions during such leave. (page 10)
8. The OPS hiring staff should seek out female applicants when few are forthcoming, with procedures to enable this (page 10). Recruiting Literature should encourage women applicants for all jobs. (page 11)
9. In OPS, there should be a monitoring system to ensure women's eligibility, for promotion to jobs not usually held by women. (page 11)
10. Potential, not just experience, should be a basis for appointment or promotion; volunteer experience should be a factor, included on new OPS application forms. (page 11)

11. The Ontario Government proposes to end all personnel practices barring secretarial staff from advancement; and set up a "career ladder" for secretaries moving up to administrative positions. (page 12)
12. Recruiters for OPS should seek female MA's and PhD's, to counteract emphasis on male-dominated MBA's in the Government's administrative trainee program. (page 12)
13. The Ontario Government will set goals and methods to significantly increase the number of women enrolled in OPS management courses; these courses will be reviewed annually, to see if they fit women's needs. (page 13)
14. Part-time work should include the possibility of career advancement and other benefits of full-time employment -- merit-pay increases and other pay-raises, and super-annuation coverage. Government employees in all agencies and Crown Corporations should also get these benefits. (pages 14-15)
15. The Ontario Government proposes to initiate a study to identify the needs of household workers (domestics, maids, etc.) to consider making available to them social security benefits, and to cover them by labour legislation. (page 16)
16. All advisory bodies and commissions which deal with women as well as men should have female representation, to sensitize the decision-making process to the needs of women. (page 17)

There should be women on The Ontario Labour Relations Board, the Liquor Control Board, the Environmental Hearing Board and the Ontario Municipal Board. There should be more women on boards of bodies like the Teachers Superannuation Commission, the Provincial Library Council and the Ontario Institute for Studies in Education. (page 17)

17. The Government is considering establishing a talent bank of potential women judges, which can be systematically reviewed when new appointments are being considered. (page 18)
18. There should be a co-ordinated approach to providing financial support to voluntary associations, including a priority approach to spending. (page 19)
19. The Government proposes a major research study of sex stereotypes in all educational materials. (page 20)
20. A special course on the expansion of the occupational horizons of girls at school should be included in all teacher-training programs and counsellor-training programs. Also, there should be a major study on what determines the courses and career objectives pursued by female students. (page 21)

21. The Ministry of Education should scrutinize all vocational information distributed in Ontario schools to ensure girls are encouraged to consider all vocational opportunities. The Ministry would tell all school boards it disapproves of audio-visuals taking narrow or erroneous views of female roles. (pages 21-22) Community colleges' publications should be similarly examined.
22. If the federal government does not wish to, Ontario will consider expanding the pilot-project careers centre program of counselling women returning to work. (page 23)
23. Family life education in schools -- excluding sex education -- should be co-educational and should avoid sex-role differentiation in child-care and household activities. (page 23)
24. There should be better use of TV to advertise part-time study programs to suit women, which the government supports expanding. (pages 24-25)
25. The Government may initiate alternative measures, if there is no significant improvement in the rate of women's participation in community college programs, after enrolment data are examined periodically. (page 25)
26. To further encourage women to take post-secondary courses, there should be extended-day courses and access to all programs by part-time students. (page 26) These incentives should be supported by guidance services, day-care services and access to loans and direct grants.
27. So that a province-wide training program may be begun, the Ontario Government urges the federal Manpower Department to give much higher priority to the certified visiting home-maker's course -- an emergency-care training. (page 28)
28. Because vast numbers of Ontario families require such household assistance, the Province is considering initiating a diploma training course for household workers. (page 28)
29. The Ontario Government stresses the need for the Ontario Educational Communications Authority to consult not just technical experts who are female, but women who themselves understand the preferences of women in programming. (page 29)
30. The Ontario Government is prepared to urge the Federal Government to allow farmers to claim as tax-deductible business expense any wages or salary they pay to their wives. (page 32)
31. The Government should conduct a needs-study of immigrant women, develop programs to meet their needs, make these needs known to volunteer workers, and assist such volunteers in new special educational programs for immigrant women. (page 32)

32. The Ministry of Education should provide special programs to train Indian and Eskimo citizens for teaching careers, to work with native children wherever possible. To compensate for present stringent College or Education entrance requirements, programs like early-outreach and special training courses should be considered. (page 34)
33. To determine the need for women's hostel facilities outside Toronto, the Ontario Government proposes to undertake a province-wide survey. If remedial action is needed, the government will co-operate with voluntary organizations to establish necessary facilities. (page 37)
34. The Ontario Government, although awaiting a Task Force report on child-care, recognizes the need for additional, province-wide, feasible planning for the provinces day-care requirements. Present cost-sharing with municipalities, associations for the mentally retarded and Indian Bands should be continued. But the province should assume more responsibility for the planning and development of innovative day-care programs, and this would ensure a wider delivery of services throughout Ontario. (pages 42-43)
35. The Ontario Government intends to seek clarification of conditions of ambiguous federal grants for training workers in family-planning methods. Subsequently, the Government will consider initiating a training program. (page 43)

The Ontario Government may also assume a stronger role in promoting use of birth-control information and family-planning services. The objective would be to set up family-planning clinics in each of the 43 existing local health agencies. (page 43)

36. The Ontario Government intends to review and revamp ambiguous legislation, like the General Welfare Assistance Act, which suggest an unwed mother should seek an order of affiliation as a condition of receiving public assistance. (page 49)
37. Because the Government is concerned over the imbalance of the ratio of men to women among police officers, it intends to review programs designed to encourage women to consider police work as a career, to increase the present ratio. (page 52)
38. Because of the increasing demand for more half-way facilities, but in a less institutional setting, and especially in the suburbs, the Province proposes to undertake a thorough re-examination of the present system of after-care services, in consultation with voluntary agencies. (page 54)
39. An Equal Opportunity Program for Women should be established to improve the status of women in the Ontario Public Service (page 48), supported by a Cabinet directive to all arms of government and overseen by a co-ordinator of Women's Programs of recruitment and training. (page 48) The co-ordinator would be a permanent member of the Status of Women Council.

39. (a) Within the Civil Service Commission, this officer will be responsible for (a) sensitizing recruitment and training processes about the potential of women, (b) overseeing recruitment literature to ensure it is free of sex stereotypes, (c) publicizing equal opportunity for women within the O.P.S., (d) helping career counselling for female employees, (e) removing barriers to career advancements for clerical staff. (pages 48-49)
- (b) She will prepare an annual progress report, to be tabled in the Legislature by the Chairman of Management Board of Cabinet. A similar progress report system will be set up for all Crown Corporations, boards, commissions and government agencies. (page 49)

Note to (39b) (page 49) - "Government does not support the idea of setting quotas to increase the number of women in ... ranks of public service." Special recruitment and training, rather than preferential hiring, is proposed.

40. An Ontario Status of Women Council should be established, (page 50) to monitor results of ministry or agency programs. It will have both men and women members, some from within government. The Chairman would be from the public. The present Ontario Women's Bureau should become the permanent secretariat for the Council (page 51). Cabinet would direct all government bodies to give high priority to the Council's work (page 51).

[See pages 50-51 for important details]

Women's Bureau

SUBJECT: REFERENCE GUIDE TO USE OF JOB TITLES IN ADVERTISING

The following information has been prepared at the request of newspapers and other advertisers as a guide to the use of job titles which will comply with the advertising provisions of the Ontario Human Rights Code, as amended, June 1972.

General Policy

In general, job titles will comply with the Code if they are NEUTRAL with regard to sex and marital status. The test of a neutral job title is that it would not discourage qualified male or female applicants.

Where there is doubt as to the neutrality of a job title and/or it is not possible to determine a suitable alternative, the use of any of the following techniques will indicate that no sex preference is intended:

- a) double title which includes both genders: e.g. waiter/waitress, foreman/forewoman, barmaid/barman, partsman/partswoman (or alternately partsman/woman), girl/boy friday.
- b) adding a designation such as "male or female", "man or woman" following the job title: e.g. draftsman - male or female (see first example below, left column).

Note Descriptive job titles must not contain wording which implies any restriction or preference on the basis of sex or marital status or any other grounds specified under the Code, e.g. "Housewives for...", or "One Girl Office...". Where it is necessary to the job description, the word person should be substituted for a sex designation, e.g. "One Person Office".

The following lists illustrate alternative forms of job titles which are not restrictive and therefore meet the intent of the legislation. The list is obviously not all-inclusive and other suitable neutral terms will occur to you, depending on the precise nature of the job.

The optional forms illustrated (*) in the first example (left column) apply to all job titles.

	<u>Job Title</u>	<u>Or Alternative Form</u>
optional	*(Auto Partsman/woman	
	*(Auto Partsman, male or female	Auto Parts Worker
	Barman/maid	Bartender
	Busboy/girl	Tray Help Cafeteria Helper Table Clearer Restaurant Helper
	Foreman/woman	Supervisor
	Girl/Boy Friday	General Office Aide Office Assistant Administrative Clerk Person for General Office Duties...
	Host/Hostess	Dining Room Receptionist
	Journeyman/woman	---

<u>Job Title</u>	<u>Or Alternative Form</u>
Launderer	Laundry Worker Laundry Operator
Lineman/woman	---
Maintenance Person	Maintenance Worker Maintenance Technician Maintenance Mechanic
Meteman/maid	Meter Attendant Meter Checker Meter Reader Meter Recorder
Pressman/woman	Press Operator
Repairman/woman	Repairer (e.g. T.V. Repairer)
Salad Maker	Salad Preparer
Salesman/woman	Sales Agent Sales Assistant Sales Clerk Sales Person Sales Representative
Serviceman/woman	Service Technician Servicer (e.g. Appliance Servicer)
Steward/Stewardess	Cabin Attendant
Waiter/Waitress	Counter Attendant Person to serve in restaurant...cocktail lounge...coffee shop...
Warehouseman/woman	Warehouse Checker Warehouse Worker Warehouse Receiver Warehouse Stock Clerk

The following brief list of job titles are considered neutral in that they do not indicate a sex preference.

Accountant	Clerical	Hairdresser	Receptionist
Advisor	Clerk	Helper	Representative
Aide	Cook	Instructor	Secretary
Assistant	Couple	Interviewer	Stenographer
Bartender	Custodian	Manager	Stylist
Beautician	Demonstrator	Nurse	Superintendent
Bookkeeper	Dishwasher	Operator	Teller
Caretaker	Dispatcher	Orderly	Trainee
Cashier	Driver	Porter	Typist
Caterer	Electrician	Presser	Welder
Chef	Estimator	Printer	Worker

If in doubt as to the neutrality of a job title or description, call the Women's Bureau, Human Rights Commission, Ministry of Labour at 965--1537; address: 400 University Avenue, 10th Floor, Toronto, Ontario, M7A 1T9, or your local Human Rights Commission Office.

Publications on Working Women:

Working Women in Ontario—booklet of basic statistics on number of working women, their age, marital status, etc.

"2 Out of 5 Women in Ontario are Working"—small pamphlet outlining interesting facts about the province's female work force.

Numerous fact sheets and bibliographies on particular aspects of women's employment, e.g. Fact Sheets—Women in Management

—Women and Labour Unions

Selected Bibliographies—

The Counsellor's Role in the
Career Counselling of Female
Students

In addition to the Women's Bureau, other Ontario Ministry of Labour offices might be able to help...

Women Crown Employee Office, 400 University Avenue, Toronto, M7A 1T7
Inquiries — (416) 965-0564.

☐ stimulates and facilitates employment opportunity for women working in the Ontario Public Service and Ontario Crown Agencies.

Human Rights Commission, 400 University Avenue, Toronto, M7A 1T7
Inquiries — (416) 965-6841.

☐ administers the Ontario Human Rights Code which includes provisions prohibiting discrimination on the basis of sex and marital status in recruitment, hiring, training, apprenticeship, promotion or transfer, dismissal, terms and conditions of employment.

☐ Regional offices in Hamilton, Kenora, London, Ottawa, Sudbury, Thunder Bay, Windsor.

Employment Standards Branch, 400 University Avenue, Toronto, M7A 1V2
Inquiries — (416) 965-5251.

☐ administers the "equal pay for equal work" provisions of the Employment Standards Act.

☐ administers the pregnancy leave provisions of the Employment Standards Act.

☐ Regional offices in Kenora, Kingston, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay, Windsor.

Another possible source of assistance...

Ontario Status of Women Council

Provincial Secretariat for Social Development
801 Bay Street, Toronto, M5S 1Z1
Inquiries — (416) 965-1111.

Chairman — Laura Sabia

Executive Officer — Marjorie Pinney

☐ 17 member body appointed in October, 1973 as a result of the "green paper," a government policy paper entitled *Equal Opportunity for Women in Ontario: A Plan for Action*.*

☐ co-ordinates and monitors the implementation of the recommendations of the "green paper."

☐ advises the government on matters relating to the status of women.

☐ acts as a catalyst in achieving equal opportunity for women in Ontario.

**Equal Opportunity for Women in Ontario: A Plan for Action*—"green paper" on policies and programs designed to improve the status of women in Ontario, published by the Provincial Secretary for Social Development, 73 pages.

The Ontario Women's Bureau



ONTARIO WOMEN'S BUREAU

400 UNIVERSITY AVENUE
TORONTO, ONTARIO M7A 1T7
965-1537



Ontario

Ministry of
Labour

What, why, how.

What?

- a Branch of the Women's Programs Division within the Ontario Ministry of Labour.
- an advisory information and resource centre for and about women and their role in the work force.
- a specialized service to provide advice to government and industry on legislation and programs affecting working women.

Why?

- to further equal employment opportunity for women generally and to improve the status of working women—their working conditions, range, level and remuneration.

How?

- public education and research about working conditions.
- promotion of vocational education.
- advice and information about training and employment opportunities for women re-entering the work force, upgrading their present skills or changing their career patterns.

Research and Information on and for Working Women

- accurate, up-to-date statistical fact sheets concerning the composition and distribution of the female labour force.
- ongoing research into general working conditions, special studies.
- research on occupations and careers.
- facts and figures for speeches, newspaper articles, radio and T.V. programs, government and social agencies, general public.

Resource Centre

Located within the Women's Bureau office, open to the public from 8:30 a.m.-4:30 p.m.

- books, pamphlets, articles, audio-visual materials and bibliographies on subjects relating to working women.
- catalogued selection of submissions to the Royal Commission on the Status of Women in Canada.
- speakers available on request.

Advisory Services on Employment Counselling

For the increasing numbers of women who are returning to work, few agencies provide the guidance necessary in choosing a new career or in updating previous education or skills and assessing the personal and family adjustments which might need to be made.

The objective of the Women's Bureau's program is to facilitate establishment of a network of pre-employment and employment counselling services at the community level for women throughout the Province of Ontario by:

- providing consultative services for those agencies, institutions or groups (public or private) which might be involved in occupational counselling.
- acting in an advisory capacity to those setting up such services.
- developing kits of relevant material.

Advisory Services to Employers and Unions

The Bureau also works with employers, trade unions and professional organizations to encourage the promotion of equal employment opportunity for women and career development of women, by:

- advising on policies affecting recruitment, training and promotion.

- examining the potential for regular part-time and flexible hours of work.
- providing resource material, studies and audio-visual aids to encourage awareness in managers and women employees of their employment potential.

Vocational Education for Girls and Women

Many women find their employment opportunities limited because they did not seriously plan or prepare for a career during school years.

To prevent this predicament, the Bureau produces and distributes career information featuring young women in non-traditional careers, to encourage girls to:

- raise their career aspirations and qualifications, consistent with their changing occupational outlook.
- plan careers realistically, in keeping with their future needs and rapidly changing life styles.
- choose from a greater variety of career possibilities.

Publications

Publications on Law:

Labour Legislation of Interest to Working Women – 4-page leaflet summarizing Ontario labour legislation with special emphasis on those provisions which affect women.

Pregnancy Leave in Ontario – brochure providing information for employers and employees concerning the legal requirements of pregnancy leave.

Law and the Woman in Ontario – general outline of the law in Ontario as it affects women, with particular emphasis on their roles as wives and mothers.

Publications on Job Seeking and Careers for Girls and Women:

You're A What? – series of 3 autobiographical pamphlets and a photo-booklet about young women in non-traditional careers.

Career Selector – series of 6 booklets – comprehensive up-to-date descriptions of training requirements and career opportunities in a wide variety of occupations.

The Job Search – a booklet for the adult woman, especially for those returning to work, which describes the necessary steps to successful job hunting including self-assessment, analysis of job expectations and the search itself.

In the same way, if, while the employee was on pregnancy leave, the employer discontinued the type of work performed by the employee prior to her leave, she should be reinstated in alternate work of a comparable nature, in accordance with the seniority she held at the start of her leave.

14. What about employee benefits during pregnancy leave?

While Ontario law requires that any benefits or seniority accumulated to the date of leave-taking be retained, it does not provide for accumulation of further benefits during pregnancy leave. Arrangements for regular payment of benefit premiums, such as pension, health insurance, unemployment insurance, etc. should be worked out between employer and employee prior to the leave since the law does not require employers to continue their share of contributions during pregnancy leave.

15. What about the pregnant employee who plans to resign with the birth of her child?

If a woman knows of her right to pregnancy leave but has formally indicated that she will be terminating her employment, then she is not covered by the pregnancy leave legislation and may be treated as any resigning employee with due notice according to the provisions of the Employment Standards Act.

16. Can a pregnant woman be dismissed for reasons other than pregnancy?

Yes. Pregnancy does not protect the employee from dismissal for other valid reasons but pregnancy alone cannot be cause for dismissal.

Unemployment Insurance Benefits

1. Are unemployment insurance benefits available to the employee during pregnancy leave?

A woman who ceases work because of pregnancy, whether or not she intends to return to work, is normally eligible for a maximum of 15 weeks unemployment insurance benefits—8 weeks before the expected date of the birth, the week of delivery, and 6 weeks after.

2. Is the period when unemployment insurance benefits are available also flexible?

The period for which unemployment insurance benefits are available during pregnancy leave is not flexible. This can be an important consideration for the

woman planning to take a longer post-natal leave than the 6-week minimum—to remember that benefits are available for only 6 weeks after the birth.

3. How does the employee establish the right to benefits?

The employer must provide the employee with a document known as a "Record of Employment" which is necessary to establish the right to benefits. Once the employee has applied for benefits, there is a 2 week waiting period before her payments begin. Therefore, it is important for the woman to apply for benefits as soon as she begins her leave.

4. Are some employees not eligible for unemployment insurance benefits during pregnancy leave?

Eligibility for unemployment insurance benefits during pregnancy leave requires a "major attachment" to the work force, which means 20 weeks or more of insured employment during the last year. In addition, a woman must have had 10 weeks of insured employment between the 30th and 50th week before the expected date of the birth.

Amendments to the legislation on unemployment insurance benefits during pregnancy leave were introduced in October, 1974. For further details, contact your nearest branch of the Unemployment Insurance Commission.

Further Information

For further enquiries about pregnancy leave, contact the Employment Standards Branch, Ontario Ministry of Labour, 400 University Avenue, Toronto, Telephone No. 965-5251, or a regional office in Hamilton, Kenora, Kingston, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay or Windsor.

WOMEN'S PROGRAMS DIVISION WOMEN'S BUREAU

400 UNIVERSITY AVENUE
TORONTO, ONTARIO M7A 1T7
965-1537



Ontario

Ministry of
Labour

Pregnancy Leave in Ontario



1. Have you heard about the new pregnancy leave provisions in Ontario?

Pregnancy leave legislation has been in effect in Ontario since 1970 to ensure a minimum standard of job security for the pregnant employee. In January, 1975, the provisions of the Employment Standards Act were amended to provide for a more flexible pregnancy leave with broader coverage.

2. What is the new law?

The Act prohibits dismissal because of pregnancy and provides for a flexible, 17-week, unpaid pregnancy leave of absence for all employees with one year of service with an employer. The Act now requires that an employee give 2 weeks' notice of the date she intends to begin her leave.

3. Does this law apply to all employers?

All employers in Ontario, small or large, are now bound by this law, except companies or agencies under the jurisdiction of the federal government. These include banks, transportation and communication industries such as radio, television, railway, airline and specific national industries of inter-provincial concern whose employees are guaranteed pregnancy leave under the federal Canada Labour Code.

4. Who is eligible to apply for pregnancy leave?

Any woman, married or unmarried, who has been continuously employed by a company for at least 12 months and 11 weeks before the estimated date of delivery is eligible to apply for pregnancy leave.

5. Is temporary absence considered a break in employment?

When determining eligibility for pregnancy leave, absence from work for normal vacation, sick leave or other authorized leaves of absence, or temporary lay-off is not considered a break in employment.

6. Are part-time employees covered?

Yes. Regular part-time employees are covered by the law. This includes any employee who works at regular intervals (not necessarily the same hours) during part of a week or month. Provided that the arrangement has been established for at least one year, the employee is entitled to the same provisions of pregnancy leave as the full-time employee.

7. When and how should the pre-natal leave commence?

The employee is entitled to begin her leave of absence at any time within 11 weeks before the expected date of birth. She must, however, give her employer 2 weeks' notice in writing of the date she intends to begin her leave and a medical certificate indicating the expected date of the birth.

Although the law specifies up to 11 weeks pre-natal leave, it is also quite permissible to begin the leave earlier, by mutual agreement with the employer, or by terms of a collective agreement.

8. Can the employee be required to begin her leave sooner than she intends?

Providing that she is able to perform her work satisfactorily, the law ensures that no pregnant employee may be compelled — either by her employer or by a collective agreement — to begin her leave sooner than she intends. However, the employer may initiate the leave earlier than the employee intends if the employer can show that the employee cannot manage her normal workload adequately.

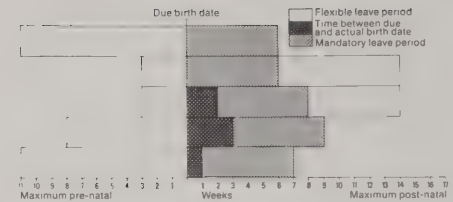
Whatever length of pre-natal leave the employee plans to take, both she and her employer benefit from explicit plans made before commencement of the leave, to avoid confusion and misunderstanding at a later date.

9. Must the employee always give 2 weeks' notice before starting her leave?

Not always. If an employee who is entitled to pregnancy leave but has not yet applied for it, is unable for medical reasons to continue working, she does not have to give the 2 weeks' notice normally required. Within 2 weeks after she stops work, however, she must provide her employer with a medical certificate stating the expected or actual date of the birth and that she was not able to continue working due to a medical condition arising from her pregnancy.

10. When should the employee return to work after post-natal leave?

The employee is entitled to a fixed minimum post-natal leave of 6 weeks after the actual date of the birth or ending after no more than 17 weeks from the beginning of the leave, whichever is the later. The following chart gives examples of the flexibility of pre- and post-natal leave normally allowed under the law, according to the time that the leave commences.



11. May the employee return to work after her post-natal leave sooner than she originally intended?

If a woman wishes to return to work less than 6 weeks after the birth, she must provide her employer with a medical certificate stating that she is fit to resume work and 1 week's notice of her intention to return. After the 6-week post-natal leave period, an employee may take a shorter leave than originally arranged with her employer only by mutual agreement.

12. Must the employee return by the end of the 17-week period, or can she take a longer leave?

Only if she returns by the end of the 17-week period, or 6 weeks after the birth — whichever is the later — is the employee guaranteed the right to her former position or a comparable position, with no loss of seniority or benefits.

Longer post-natal leaves may be arranged by mutual agreement with the employer, or negotiated through collective agreements, but in such cases, the type of job to which the employee will return is then beyond the jurisdiction of the legislation and is also open to negotiation.

Therefore, if a longer leave is planned, it is advisable for both parties to set out explicitly the terms and conditions of the employee's return to work.

13. Does the employee have the right to the same job after pregnancy leave?

Normally, the employee will be reinstated to the same position or in work comparable to that which she held prior to her leave, at the same salary, and with no loss of benefits or seniority accrued to the start of the leave.

However, in the case of a temporary lay-off in the organization during the time of her leave, she should be reinstated after her leave and when operations are resumed, in accordance with the seniority she held at the start of her leave.

3. Other terms and phrases which could be construed as discriminatory may be accepted as not being in contravention of the Act, if the particular term or phrase could reasonably include individuals between 40 and 65 years of age. Examples: 'recent graduate' and 'trainee'.

4. Where there is doubt as to the legality of a particular word or phrase to be used in advertisements, the addition of the clarifying phrase "age no barrier," to the text would generally render it acceptable under the Act.

Q.

How can additional or specific detailed information be obtained concerning the age provisions of the Code and their implementation?

A.

Copies of the Code and relevant literature are available upon request and the Commission will always be pleased to provide information or discuss problems related to the administration of the age provisions of the Code.

"... There is in every human heart a spiritual concept of justice. It is a concept difficult to define, but injustice is something that the humblest human being can readily recognize."

Hon. J. C. McRuer, LL.D.
Former Chief Justice
of the Ontario High Court,
Commissioner,
Royal Commission Inquiry into
Civil Rights in Ontario



The Ontario Human Rights Commission

Hon. John P. MacBeth, Q.C., Minister of Labour
R. D. Johnston, Deputy Minister of Labour

Lita-Rose Betcherman, Gordon Greenaway,
Valerie Kasurak, Walter Currie,
Members

Robert W. McPhee, Director



The Ontario Human Rights Commission
Ministry of Labour
400 University Avenue
Toronto
Phone: 965-6841

1974
HRC-4003

Guidelines — Age

Guidelines for Employers
on the Age Provisions of
The Ontario Human Rights Code
(40 inserted, 1972)

The Ontario Human Rights Commission
Ministry of Labour

40 65

**The Ontario Human Rights Code
(as amended 1972)
incorporates the provisions of
The Age Discrimination Act (repealed)**

Purpose of the Age Provisions

The purpose of the age provisions is simply to ensure that able and qualified older workers between the ages of 40 and 65 years are afforded equal opportunities to seek and secure gainful employment on the basis of their individual abilities to perform the job. The age provisions as applied to employment recognize that health, mental and physical capacities, work attitudes and job performance are individual traits at any age and that chronological age alone is not an indicator of working ability.

The Main Provisions

Based on the concept of merit employment which stresses that workers be employed on the basis of their abilities, qualifications and experience to do a job, the Code includes the following provisions:

- No person shall
- (b) dismiss or refuse to employ or to continue to employ any person;
 - (c) refuse to train, promote or transfer an employee;
 - (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship;
 - (g) discriminate against any employee with regard to any term or condition of employment,
- because of . . . age . . .
- No employer shall publish, display, circulate or broadcast . . . any advertisement for a position or employment for or on behalf of an employer, indicating directly or indirectly that . . . age . . . is or may be a limitation, specification or preference for the position or employment.

No employment agency shall discriminate against any person because of . . . age . . . in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.

No trade union shall exclude from membership . . . any person or member or discriminate against any person or member because of . . . age . . .

No self-governing profession shall exclude from membership . . . or discriminate against any person or member because of . . . age . . .

No person shall refuse to . . . continue to employ any person, threaten to . . . penalize in any way . . . intimidate or coerce . . . any person [by way of reprisal for lodging a complaint or cooperating in the investigation of a complaint].

This is not a complete description of the provisions but only an indication of their essential nature. This brochure attempts to answer the questions most frequently asked by employees, prospective employees and other concerned agencies. For accurate reference, recourse should be had to the statute.

Q.

How do the provisions restrict the employer?

A.

The aims and objectives of the age provisions are not to restrict the rights of employers to advertise for, screen, hire and retain the most qualified persons available. They neither seek to provide special privileges for workers in the 40-65 age group, nor to exclude younger workers from any area of employment for which they are qualified, but they require that the same standards of selecting, hiring, placing, promoting and retaining in employment be applied equally to all persons without regard to age.

Q.

How is "age" defined in the Code?

A.

The Code defines "age" as any age of 40 years or more and less than 65 years.

Q.

Does the Act obligate an employer to hire persons 40 to 65 years of age regardless of ability, qualification and experience?

A.

No; but it does declare it to be unlawful for an employer to refuse to employ or to restrict terms or conditions of employment of any person because of age.

Q.

Does the Act give persons 40 to 65 years of age any special privilege?

A.

No; the purpose of the Act is to ensure equal opportunity in employment regardless of age, with an individual's qualifications, experience and merit in general being the sole test in being interviewed, selected, hired, promoted and retained in employment.

Q.

May an applicant's age be asked prior to employment?

A.

Yes; provided that the information is used for legitimate and constructive reasons and not merely to discriminate with regard to age.

Q.

Who is covered by the Act?

A.

Employers, employment agencies and other agencies acting on behalf of employers, and trade unions and self-governing professions.

Q.

Is an employer obliged to include a newly hired older employee in a pension plan?

A.

No; some firms do not have such plans while others have plans which vary considerably and membership in them is not considered a basic condition of employment. Employability which is based solely on job qualification does not necessarily imply eligibility for membership in a pension or insurance plan. On the other hand, an employer may not refuse to hire an applicant or terminate the employment of an employee merely because he may not be eligible for membership in such plans. In other words, there is nothing inherent in the nature of a pension plan that makes it impossible for an employer to hire an older worker.

Q.

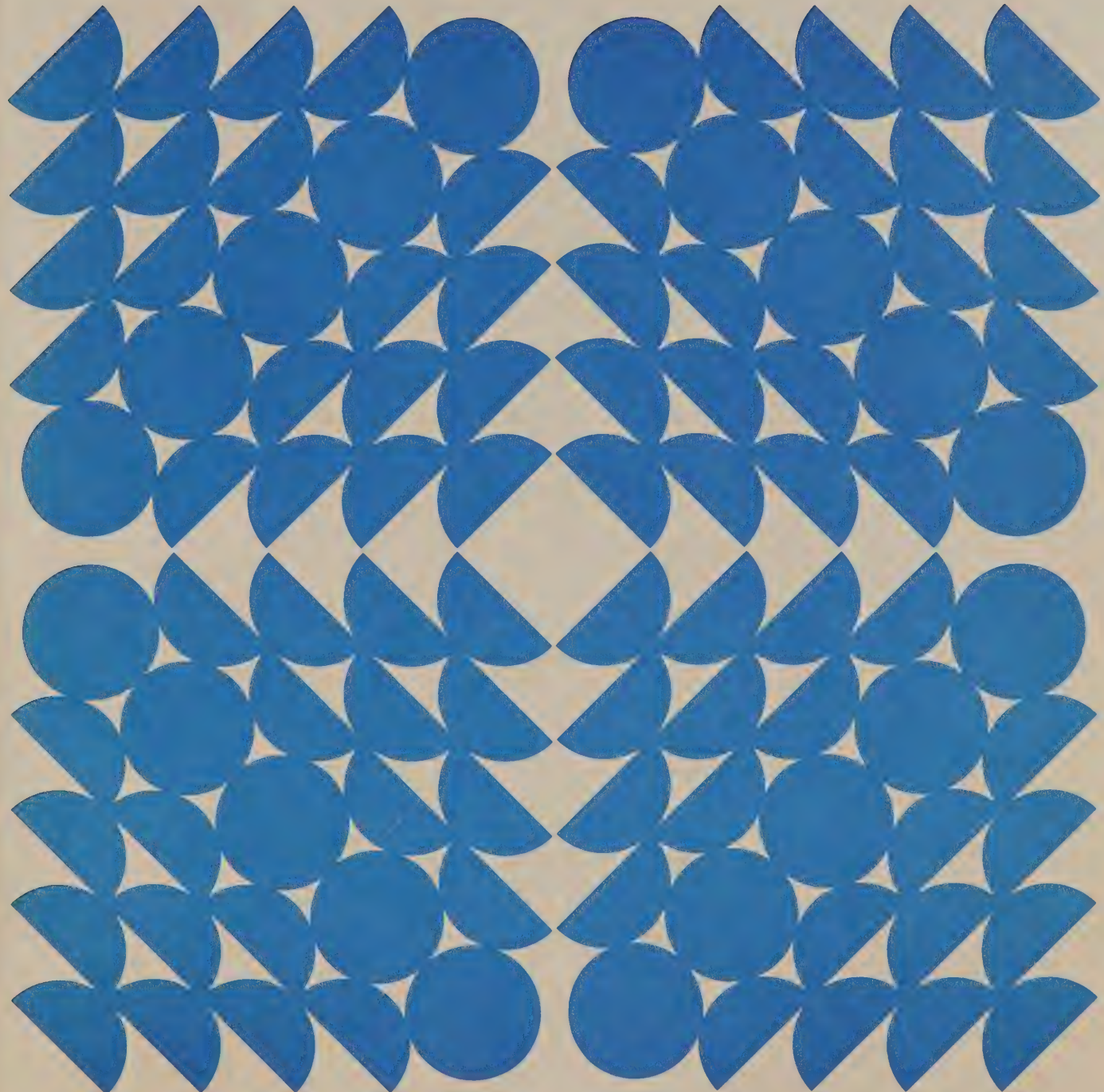
Under Section 4 (2), how can an employer, a newspaper, employment agency or other advertising media determine whether the use of a given word or phrase would be in contravention of the Act?

A.

1. Advertisements, where they do not emphasize job classifications, should be so phrased and/or worded as not to discourage or restrict applicants directly or indirectly, between the ages of 40 and 65 years. For example, a phrase such as "only applicants between the ages of 25 and 35 years need apply" should be avoided.
2. If a particular term is in general use or is a well recognized description of a job category, it may properly be used in advertisements. Examples: "Junior Accountant", "Administrative Assistant".

**Law and the Woman
in Ontario**

**Women's Bureau
Ministry of Labour**



Contents

Introduction 4

The Courts
Legal Aid

Legal Position of Women 5

Political Rights and Duties 5

Juries

Marriage 6

Marriage of Minors
Remarriage of a Divorced Person
Presumption of Death
Common Law Relationships

Property Rights 7

Change of Name 8

Support 8

Dissolution of Marriage 8

Annulment
Separation
Divorce
Grounds for Divorce
Exceptions
Other Reasons
Provision to Encourage Reconciliation
Judgement
Maintenance

Inheritance 11

Dependants Relief
Death Duties
Dower
Curtesy

Children 12

Childrens Aid Societies
Adoption
Children Born Outside Marriage
Divorce, Separation and Desertion

Parent's Maintenance 13

Therapeutic Abortion 14

Consumer Protection 14

Buying on Credit
Repossession
Door-to-Door (Itinerant) Sales

The Working Woman 14

Income Taxes
Child Care Facilities

Labour Legislation 15

Equal Job Opportunity
Equal Pay
Wages and Working Conditions
Pregnancy Leave
Industrial Safety
Injury
Human Rights Code
Unemployment Insurance

Acknowledgement 19



Ministry of
Labour

Ontario

Law and the Woman in Ontario

Ontario Women's Bureau
Ministry of Labour
400 University Ave., Toronto M7A 1T7
Phone: 965-1537

This booklet is intended to give you a *general* idea of the law in Ontario as it affects women. *It is not intended to present solutions to particular problems.*

You will find here a very general treatment of your rights and duties in Ontario, with particular emphasis on women in their roles as wives and mothers. If you do run into legal difficulties it is strongly suggested that you consult a lawyer. He will be able to give you the necessary advice and assistance to ensure that your problem is settled fairly.

The law is constantly changing, so it is advisable to check whether or not the information provided in this booklet does summarize *current* legislation.

At the time of going to press the Attorney-General had announced his intention to initiate public discussion of the Recommendations of the Law Reform Commission in their *Report on Family Law*. Meanwhile he has introduced interim legislation, Bill 117, which would remove some of the disabilities of a married woman under the present common law. Copies of this Bill are available free from Ministry of the Attorney-General of Ontario, Queen's Park, Toronto, Ontario, 965-7955.

Copies of Part IV of the Report, dealing with Family Property Law, are available through the Ontario Government Bookstore at \$3.50 a copy. A summary of the Report and Recommendations prepared by the Ontario Status of Women Council, is available from their office at 801 Bay Street, Toronto M5S 1Z1, and another, by a private group, the Ontario Committee on the Status of Women, can be obtained for 25¢ from P.O. Box 188, Station Q, Toronto M4T 2M1.

Areas of the law which are dealt with in the Family Property Law Recommendations are asterisked throughout the pamphlet, and are as follows: marriage; property rights; support; separation; inheritance (dependant's relief, dower, curtesy), and children.

Introduction

The Law of Ontario

The law of Ontario comes from two sources — statute law and the common law.

Statutes are legislative acts of the Crown. In practice, legislation is passed by the Parliament of Canada or the Legislature of Ontario and is given the formal assent of the Governor-General or the Lieutenant-Governor.

The Dominion Government has the power to legislate in fields of national interest, such as foreign affairs, national defence, and criminal law. The authority of the provinces extends to matters of more local and regional importance, among them education, highways, and property rights. Acts of Parliament apply to everyone in Canada, and Acts of the Ontario Legislature apply only to residents of Ontario.

The major part of our law, however, is not contained in the statute books, but must be discovered from the common law. The common law is based on the recorded decisions of English and Canadian judges right back to the 11th Century. Once a particular judge has decided a particular issue between two parties, his decision remains the law on the point in issue unless it is subsequently over-ruled or modified by another court.

The Courts

There are two kinds of legal proceedings — civil and criminal. In a civil proceeding the court normally decides the rights of two private individuals, although the Crown may be party to such a proceeding. The action takes place in either a Small Claims Court, a County Court, or the Supreme Court of Ontario. The correct court depends on the type and amount of relief which the plaintiff (the person bringing suit against another person) is claiming.

Judgment will be given in favour of one party. Generally the unsuccessful party, if he wishes to try to have the original decision reversed or modified, may appeal to the Court of Appeal for Ontario, and in some circumstances to the Supreme Court of Canada.

A person commits a crime when he does anything that the law says he must not do, or fails to do anything that the law says he must do, if by reason of his act he becomes liable to punishment under the criminal law. In Canada the legislative jurisdiction over criminal law rests with the Federal Government. In Ontario, the Attorney-General is responsible for the administration and enforcement of these provisions and in this work is assisted by local law enforcement agencies. Prosecutions for criminal offences are initiated by these law enforcement agencies as a result of their own investigations, as well as on the complaint of individuals.

Depending on the gravity of the offence and the choice of the accused, the trial may take place before a Provincial Court judge (formerly a magistrate), a County Court judge alone, or a court composed of a judge and jury. The accused is, of course, entitled to be represented by counsel of his

choosing and is further protected by the presumption that he is innocent until it is proved, beyond a reasonable doubt, that he is guilty.

Legal Aid

The Ontario Legal Aid Plan is designed to ensure that no one shall be denied the services or advice of a lawyer because of lack of money. Every resident (or in certain circumstances, a non-resident) may apply for legal assistance.

Legal assistance is not "charitable" and, in some cases, it is not free. The financial qualification for Legal Aid is based on the "need" of the applicant and not on an arbitrary "means" test. After an application has been made it will be referred to the Provincial Ministry of Community and Social Services, which will investigate the income, expenses and capital assets of the applicant and make a report to the area director as to whether the applicant can pay nothing, something or all of the costs of the legal aid applied for.

If you require the services of a lawyer under Legal Aid, you may apply either through a lawyer or directly to your area director. If the application is approved, you will receive a Legal Aid Certificate. You then take that certificate to a lawyer of your choice who participates in this scheme. Neither the court nor the public will know you have received legal assistance. It is a private affair between you, your lawyer and the area director.

Legal Position of Women

Historically, women have not always occupied a position of equality with men. At one time they were universally regarded as inferior beings or even as a form of property. Now women have a legal status generally the same as that of men under both civil and criminal law. The only differences that do exist are in areas where the special position and interests of women require the law's protection. Thus, the law grants certain extra consideration to women in their roles as wives and mothers.

Political Rights and Duties

Nowhere in Ontario are women disqualified from exercising their rights to vote by reason only of their sex. Any woman may vote if she is a Canadian citizen or a British subject, and has lived in Canada (or the province as the case may be) for the year prior to the election. The age qualification for voting is 18 years in Federal, provincial or municipal elections.

Normally when there is an election, a voters list will be prepared by enumerators in your riding. Once your name is on this list you need only go to the appointed polling station on election day to cast your vote. If your name does not appear on this list you will have to contact the returning official in your riding to have your name added.

Almost anyone qualified to vote may run as a candidate in an election. The only persons ineligible are government employees, members of legislatures, people holding government contracts, or those guilty of corrupt practice.

Juries

The right to trial by jury carries with it the responsibility of jury duty. With a number of exceptions, women over 18 who are British subjects are eligible for jury duty in Ontario. The main exceptions are public officials, lawyers, doctors and nurses. A woman is exempt if either she or her husband falls within one of these or other listed categories. Individuals over the age of 70 are also exempt from jury duty. A judge of a civil case retains the power to order that the jury be composed of men or women only, or to excuse a woman upon her own request from either civil or criminal jury service because of the nature of the evidence to be given or the issues to be tried.

Note: An amendment to The Jurors Act removes the exemption on request to women.

Jurors are no longer required to hold or be married to persons who hold land.



Marriage*

While marriage is of primary concern to the two people involved, the state, in order to protect society generally, also has an interest in regulating it. A woman who is contemplating marriage should be aware of the laws regarding marriage.

Providing no lawful cause exists to hinder the marriage, anyone who is at least 18 years of age may be married under the authority of a provincial marriage licence, public banns, or a Special Permit from the Provincial Secretary. The couple may marry three days after the issue of a licence, five days from the date the final banns are posted, or the time specified by the Special Permit. Each of these forms of authorization expires after three months.

Licences are issued by the clerk or deputy clerk of any city, town or village, and by magistrates in territories without municipal organization. A properly appointed member of an Indian tribe or band may issue the licence. The \$15 licence fee is waived in the case of Reserve or Crown Land Indians. Normally both parties to the marriage must be present when applying for a marriage licence; however, if this is not possible the party attending must bring along the birth certificate of the other. At least one of the two persons applying for the marriage licence must live in Ontario.

Instead of obtaining a marriage licence, the couple may have marriage banns announced according to the custom of the church or churches to which they belong. This alternative is not available to those who have had a previous marriage dissolved by divorce or annulment. A form giving proof of publication is provided by the clergyman and must be filled out before a marriage may be solemnized.

Marriage may be solemnized in either a religious or civil ceremony. In addition to places of worship, religious ceremonies may take place in any location satisfactory to the clergyman, for example in a garden. Civil marriages may be performed either by a judge in his chambers or by a magistrate in his office, and must take place between 9 a.m. and 5 p.m.

Marriage is unlawful between persons who are closely related by blood or marriage. For example, a woman may not marry her uncle, stepfather, nephew, brother, son, husband's father or niece's husband.

Marriage is, of course, unlawful if either of the intended partners is already married. A woman who is married commits bigamy by marrying another person, or if she is single, by marrying a person whom she knows is already married. The maximum punishment for bigamy is five years' imprisonment.

Marriage of Minors

No one under 18 years of age may be married unless consent in writing is obtained from the father, or from the mother or appointed guardian in cases where the father is dead or not contributing to the support of the young person. However, consent is not necessary if both parents are dead and no guardian has been appointed, or if the person whose consent is required is mentally ill or does not live in Ontario, or cannot

be found. A judge may remove the requirement of parental consent when the person whose consent is needed arbitrarily or unreasonably withholds it, or demonstrates by his actions that he is not interested in the maintenance or well-being of the person for whose marriage his consent is required, or when it is unclear who the competent person to give consent is.

Persons under 14 years of age may be married only if pregnancy is involved. A doctor's certificate stating that marriage is necessary to prevent illegitimacy of the child must be given to the issuer of the marriage licence, or the clergyman who will publish banns.

Remarriage of a Divorced Person

Where either party of an intended marriage has been previously married and the marriage has been dissolved or annulled, banns may not be published. Persons divorced in Canada and subsequently seeking to remarry may obtain a licence from the issuer of licenses by submitting to him the final divorce decree or a certified copy thereof, and such other material as he may require. A marriage licence will not be issued to a person whose previous marriage was dissolved or annulled elsewhere than in Canada, unless authorization in writing is first obtained from the Ministry of Consumer and Commercial Relations.

Presumption of Death

A married person who alleges that his or her spouse is missing and has not been heard of or from for the last seven years, and that reasonable inquiry gives no reason to believe that the spouse is living, may apply to a County Court judge for an order of Presumption of Death. A copy of this order must be presented to secure either a marriage licence or a publishing of banns.

Although a Presumption of Death order permits a person to remarry, it does not dissolve the first marriage nor authorize disposal of the "dead" person's property. If the first husband, who was presumed dead, is shown to be alive the wife's second marriage becomes void but any children of that marriage are not considered to be illegitimate.

Common Law Relationships

Generally, common law relationships do not have any recognized status in law, since they are not marriages in a legal sense.

There are a few exceptions to this rule of no status. A common law wife has the same rights as a legal wife under The Canada Pension Plan, where the relationship is of 7 years duration; and under The Workmen's Compensation Act where the relationship is of 6 years duration or of 2 years duration where the woman has had a child.

Where a woman lives with a man to whom she is not married, she may under certain circumstances be disqualified from receiving welfare assistance for herself and her children.

Under nearly all other legislation, a common law relationship is not recognized. The length of time the relationship has endured is irrelevant, as is the fact that children have been born. Where one of the partners dies without leaving a will, the other is entitled to nothing. If the deceased had legitimate children and left no will, his illegitimate children are entitled to nothing.

Similarly, if a common law husband deserts, his wife has no claim for support, although she may have a claim on behalf of any children of the union.

Property Rights*

The position of women under this area of the law would be changed by the interim legislation introduced by the Attorney-General of Ontario. Until fairly recent times, not only were wives considered to be their husband's property, but when a woman married all her possessions became the property of her husband. Under Bill 117, some of the disabilities of a married woman under the present common law would be removed and the separate legal personalities of each spouse would be established. When introducing the Bill, the Attorney-General, The Honorable Robert Welch said:

"Basically, this Bill incorporates many of the recommendations of the Law Reform Commission's *Report on Family Law* and specifically provides for the legal recognition of the individual rights of husbands and wives during a marriage. Marriage, a dominant institution within our society, must enhance the stature and dignity of each of the partners. This Bill, then, is designed to create a co-equal status for married men and women, and among its other provisions, includes a first legislative step to attempt to correct the anomaly in the law disclosed by the recent case in the Supreme Court of Canada of *Murdoch v. Murdoch*".

Generally, a married woman has the same power to sue, and the liability to be sued, as a single woman. Any money she recovers in court becomes her separate property. However, by the proposed legislation, a married woman would no longer be limited to the value of her "separate property" in her capacity to contract. Her capacity to incur contractual liability, like that of her husband, would be unlimited. This aspect of the legislation is intended to strengthen the ability of a married woman to obtain credit in her own right.

The legislation also provides that spouses would be able to sue one another in tort, not only for protection of property, as is true now, but also for personal injury, such as might result from an automobile accident.

A most important provision of the separate legal personality of the wife permits a wife who contributes money or money's worth to a business or farm the right to be treated as a third person, regarding right to compensation or other

interest flowing from the contribution. It is intended that this section would deal with the controversial case of *Murdoch v. Murdoch*. In that case, Mrs. Murdoch sought a declaration from the court that her considerable contribution to the ranching business owned by her husband had given rise to a constructive trust in her favour. The courts, because she was the spouse of the owner, held that she was not entitled to an interest in the business.

At present, a married woman's wages, or any property acquired by her as a result of any employment she is engaged in, normally becomes her own separate property. Thus, in most cases, a husband has no right to any of his wife's earnings. For income tax purposes, however, where a husband and wife work together in the husband's business, her income from the business is deemed to be that of her husband.

The status of a property transfer from wife to husband would be changed under the Bill. At present, a wife putting property in her husband's name is presumed to be giving it to him to hold in trust for her. However, the Bill would make this transaction a gift, in the same way that the property transfer from husband to wife is a gift.

Property can be held either individually in the name of the husband or the wife, or in both of their names as co-owners. Where wife and husband hold property together (in both their names) the Bill provides that they are presumed to hold the property as joint tenants, where nothing contrary is shown. Joint tenancy allows the surviving "tenant" (or owner) to automatically become the sole owner of the property when one of the co-owners dies; tenancy in common allows the share of the deceased owner to go to his or her heirs as directed by his or her will. Under the present law, the presumption is that property is held as tenants in common.

Some problems may arise in connection with property that has been paid for in part by both husband and wife. In a situation of this type, the property has often been held to belong to the partner in whose name it is registered, unless a very definite intention to the contrary or clear evidence of financial contribution by the other partner can be shown. It remains to be seen how Bill 117 would affect this situation.

It is explicitly mentioned in the Bill that two laws will remain unchanged; first, that the domicile of the marriage is that of the husband; second that the wife still has the right to pledge her husband's credit for necessities.

Thus the legislation prevents the characterization of "husband" or "wife" from defeating a right that would exist were the parties not married. It should be noted, however, that these new provisions are only a first step to implement the recommendations of the Family Property Law Report. In particular, the Hon. Robert Welch said, "the question of positive rights to share family property, and the question of the matrimonial home, should be dealt with in legislation specifically addressed to it and not in a general family law

reform statute" (from Statement by the Honorable Robert S. Welch, Q.C., Attorney-General, of the First Reading of the Family Law Reform Act).

Change of Name

There is no law which requires a woman to adopt her husband's surname upon marriage. The change of surname is merely a custom. Maiden name passports do not become invalid upon marriage. For more details contact the Passport Office.

At birth, a person, if legitimate, takes the surname of his or her father. Except when it is done fraudulently or for some other improper purpose, nothing in the law prohibits a person from adopting or assuming any name he or she desires. However, if that person wants to legally effect a change in name it must be accomplished in the following manner.

Any person who is a British subject or a Canadian citizen and at least 18 years of age, except a married or separated woman, may apply for a change of name. It is necessary to consult a lawyer who will make the application. An application by a married man to change his surname is also made on behalf of his wife and children.

An unmarried mother who marries, or a widow who remarries, may with the consent of her husband apply for a change of surname of her children to that of her husband.

A parent whose marriage has been dissolved may make an application for a change of surname of children for whom he or she has custody providing the other parent consents.

A woman whose marriage has been dissolved and who remarries may apply for a change of surname of her children to her surname on remarriage. In this case the consent of her new husband as well as of the children's father is required.

Support

One of the basic duties that the law places on a husband is that he must support his wife. He must do so in accordance with the standard of life which they have maintained in the past.

As part of the right of support, a wife has an implied right to pledge her husband's credit for necessities which is very difficult to revoke. The extent of a husband's liability for his wife's debts is difficult to define. Much will depend on the economic circumstances of the particular family.

An advertisement by the husband in the local newspaper warning tradesmen that he will not be responsible for his wife's debts is of little value. The husband may revoke his wife's credit by sending notice to each and every tradesman, but that revocation is contingent upon his being able to prove that his wife is able to pay for the goods herself. However, no tradesman is under any obligation to extend credit to anyone.

The wife is not responsible for her husband's debts except where he entered into a contract on her behalf and with her express authority.

Dissolution of Marriage

Annulment

In some instances, even though the parties go through a form of marriage the marriage may still be ended without the necessity of divorce proceedings. First in this category are those marriages which never were marriage — where one of the parties was already married or where there has been a failure to comply with one of the basic legal conditions for marriage, or where one of the parties did not consent freely to the marriage. Because marriages of this kind are really "void", having never come into existence, it is not necessary strictly speaking to take any action to bring them to an end. However, it is usually advisable to have them officially declared void by a court, in order to clarify the situation with respect to property rights, creditors and heirs. A decree of nullity, which officially declares a "marriage" to be void, may be requested by any interested person, not only by the two people directly involved.

Second, there are the marriages which the law calls "voidable" — where even after the ceremony is performed, one of the parties may change his mind. In these circumstances before the marriage has been consummated (i.e. before sexual intercourse), either or both of the parties may apply to have the marriage annulled for any of the following reasons:

- a) a physical inability to have intercourse with one's spouse — this does not include sterility or frigidity;
- b) insanity at the time of marriage;
- c) a mistake as to the identity of the person married;
- d) failure to comply with licensing requirements.

Normally a mistake as to the character, or the financial or other circumstances of the person married, is irrelevant and will not be grounds for an annulment.

A woman seeking official annulment of a void marriage may petition for it in the province where she lives and intend to live, no matter where her "husband" may be. On the other hand, a woman seeking an annulment of a voidable marriage is regarded as having the same domicile as her husband and she must institute proceedings in the place where her husband is domiciled.

Separation*

In Ontario, marriage separations are usually a matter of private contract. The interests of both husband and wife are safeguarded by a mutual separation agreement which is drawn up and signed by both. Such an agreement settles the rights of the parties, unless either one of them experiences a marked change in his or her economic circumstances, or engages in improper conduct. For example, depending upon the provisions of the agreement, adultery by one spouse may enable the other to set the separation agreement aside.

A separation agreement permits a couple to live apart but no matter how the agreement may be worded, it cannot legally allow either partner to remarry. Nor does it release the separated husband from his financial obligation to support his family.

Even when a separation agreement exists, a husband who leaves his wife and children without adequate maintenance may be summoned before one of the Family Courts established throughout the province and ordered to make whatever payments appear to be reasonable under the circumstances. However, a wife who has been granted a maintenance order against her husband may lose her right to this if she commits adultery.

Divorce

Domicile and Residence Requirements

Before a person can petition for a divorce in Canada that person must be living in Canada at the time that the petition is made and also intend to continue living here; that is, the petitioner must have a Canadian *domicile*. For the purpose of The Divorce Act, the wife's domicile is determined as if she were unmarried, so that she can petition for divorce in the place where she is domiciled, no matter where her husband may be.

In order for an Ontario court to grant a divorce, one of the spouses must live in this Province. In practice, this means that one of them must have actually resided in Ontario for at least ten months of the year preceding the petition for divorce.

Grounds for Divorce

A married person may petition for divorce if, since the marriage, his or her partner has committed adultery, been guilty of sodomy, bestiality, or rape, has engaged in a homosexual act, has gone through a form of marriage with another person, or has treated the petitioner with physical or mental cruelty which would make further living together intolerable.

Also, a divorce may be granted to a couple on the ground of marriage breakdown if the court is satisfied that there has been a permanent breakdown of their marriage under any of the following circumstances.

Imprisonment. The other partner has been imprisoned for the equivalent of three years out of the five years immediately preceding the petition; or the other partner has been imprisoned for at least two years immediately preceding the petition, when this imprisonment was part of a sentence to death or to a term of at least ten years, and when all rights of appeal against the conviction or sentence have been exhausted.

Alcohol or Drug Addiction. The other partner has been grossly addicted to alcohol or drugs for at least three years immediately preceding the petition, and there is no expectation of rehabilitation within a reasonable length of time.

Disappearance. The petitioner has had no knowledge or information concerning the whereabouts of the other partner for at least three years immediately preceding the petition, and throughout that period has been unable to locate that person.

Non-consummation of Marriage. The marriage has not been consummated for at least one year, either because the other partner has been ill or disabled and, therefore, unable to consummate it or because that partner has refused to consummate it.

Separation or Desertion. In the event that the separation is due to desertion by the petitioner and the couple have lived apart for the five years preceding the petition; or if the separation is due to any other causes and the couple have lived apart for the three years immediately preceding the petition.

Exceptions

Even if one or more of these reasons for divorce exists, the court may still refuse to grant a divorce if it is satisfied that any of the following "bars to divorce" exist.

a) ***Condonation.*** Condonation of a matrimonial offence means the forgiveness of the offence with a full knowledge of the circumstances, followed by a reinstatement of the offending party to his or her former position in the marriage, subject, however, to the implied condition that no later offence be committed. That is, the two essential ingredients are forgiveness and reconciliation. The reconciliation of the parties is usually equated with the resumption of marital cohabitation. If, for example, a wife commits adultery, thus giving her husband ground for divorce, and he continues to live with her as her husband for more than a 90-day period, then he will be taken to have condoned the offence and he may not use it as evidence in order to obtain a divorce.

b) ***Connivance.*** The petitioner is guilty of connivance if he or she consented willingly to the behaviour which is being put forward as ground for divorce. In practice, connivance can consist of anything from express permission to engage in the act to approval of a situation which the average person would know will lead to it.

c) ***Collusion.*** Collusion is involved in any arrangement to deceive the court; for example, by suppressing information or by purposely providing false or inaccurate evidence. A divorce may be refused if there has been condonation or connivance unless, in the opinion of the court, the public interest would be better served by granting the divorce. If the court finds that there has been collusion, the divorce cannot be granted.

Other Reasons

a) *Irresponsible Desertion.* If a divorce is being sought on the ground of marriage breakdown caused by desertion or separation, it will not be granted if,

- in the opinion of the court, it would be unduly harsh or unjust to one of the partners;
- it would hinder the making of reasonable arrangements for the support of children or the support of a partner who will be in need of it.

Essentially, this means that divorce will not be granted to a deserter if the desertion amounts to an irresponsible abandonment of the obligation for family support.

b) *Insufficient Grounds.* In any particular case, the question of whether the existing situation warrants the granting of divorce is ultimately decided by the court, not by the couple involved. The court makes its decision on the basis of the guidelines established by The Divorce Act and by previous court decisions. For example, it must decide about such matters as whether the addiction complained of is "gross" and irremediable, whether the cruelty complained of is of sufficient weight to make living together "intolerable", or whether the evidence of a particular marital offence is sufficient to indicate that it really did occur.

c) *Possibility of Reconciliation.* In no case will the court grant a divorce if a reconciliation seems possible. If reconciliation fails, the action for divorce may be begun again.

Provision to Encourage Reconciliation

Under The Divorce Act, legal advisers must now draw their client's attention to marriage counselling services and discuss with them the possibility of reconciliation. The court must also question them about the possibility of reconciliation unless the circumstances of the case make it very inappropriate. If at any point in the proceedings a reconciliation appears possible, the court may adjourn and, with the consent of the parties, or at its discretion, appoint someone (e.g. a marriage counsellor) who may be able to assist the parties in preserving their marriage. After an adjournment of 14 days, either party may apply to the court in order to resume the proceedings.

Judgement

The initial court order granting a divorce is called a *Decree Nisi*. Usually there is a three-month period between the decree nisi and the final *Decree Absolute*. Until the decree absolute the parties are still married.

During this interval a person may appeal the decision, or bring forward new evidence which is important (e.g. reconciliation or collusion) but which was unavailable at the time of trial. In addition, the court may use this period to decide such questions as custody of children or alimony.



Only when the divorce decree has been made *absolute* are the parties free to remarry.

Maintenance

In strict terminology, the word "alimony" is confined to payment ordered to be made by the husband to the wife, while "maintenance" is the allowance which is ordered by the court to be paid after the final divorce decree. However, in practice the terms appear to be used interchangeably. The factors which the court considers in setting a figure are the means of both husband and wife, and the conditions and conduct of each of the parties. Generally speaking, payment is made by the person who has the means to the person who is in need. The payments may be required weekly, monthly, annually or in one lump sum.

Maintenance orders may be changed or removed if the conduct or circumstances of either of the two persons changes.

Note: As a result of reciprocal arrangement with other provinces and with certain countries, maintenance orders can be enforced against persons who no longer reside in Ontario.

Inheritance*

The distribution of an estate depends upon whether or not the deceased person died with a will ("testate"), or without a will ("intestate"). If a man dies leaving a will, his estate will normally be distributed in accordance with his wishes.

If he dies without a will, the law makes provision for the distribution of his estate and, under The Devolution of Estates Act, the widow is entitled to a preferential share.

The widow is entitled to all her husband's estate if it has a total value of less than \$50,000 or the first \$50,000 if its value is greater (amended July 1973). Any remainder is distributed between the children and the wife so that the wife takes at least one third. If there is no wife, the children share the estate equally.

If the wife dies before the husband without leaving a will, he is entitled to the first \$50,000 of her estate.

When a person dies intestate, someone must apply to the Surrogate Court to be appointed administrator of the estate. It is the duty of the administrator to distribute the estate and pay all debts, funeral and legal expenses. Usually the wife, if she so desires, is entitled to apply first to be appointed administrator.

Dependant's Relief

Where a husband dies leaving a will which does not make adequate provisions for the future maintenance of his family, his wife can apply for relief to a judge of the

Surrogate Court in the county in which the deceased's estate is being administered. Pursuant to The Dependant's Relief Act, the judge may order that a payment in a lump sum or in instalments be made out of the estate, or that property out of the estate be distributed so as to provide support for the deceased's family.

Death Duties

Depending upon the total value of the estate, the relationship of the beneficiary to the deceased, and the portion of the estate passing to the beneficiary, a deceased person's estate may be taxed by the provincial government.

In general, estates with a total value of less than \$100,000 are exempt from provincial succession duty. Special exemptions for the surviving spouse or dependant children are also available. Details can be obtained from the Succession Duty Branch of the Ministry of Revenue.

Dower

Generally, in Ontario, when a man dies, his wife is entitled during her life to a one-third interest in her deceased husband's real estate. This right is called "dower".

Dower attaches to any land held by the husband during marriage, and in order for him to sell or transfer it, his wife must agree to give up her dower interest in it by signing the deed. If this is not done, she retains the dower interest in the land even though her husband has sold or transferred his part of it to someone else. There are some ways in which land may be held by a married man so as to prevent dower rights from attaching to it. This may occur when a married man holds land under a Deed to Uses or when land is owned by a company owned by a married man.

A wife's dower rights cannot be taken away from her by her husband's will, although it could happen that the will might offer more favourable terms if she renounces them. If the husband dies intestate, she will have to choose between dower and her preferential share under The Devolution of Estates Act mentioned above.

If a wife is shown to be of unsound mind or is separated from her husband, a judge may grant an order making it possible for her husband to sell or transfer land without her signature. If a wife is guilty of adultery she may lose her dower rights.

Curtesy

The corresponding interest of a husband in his wife's real estate is called "curtesy". A husband is entitled for life to a one-third interest in all land owned by his wife at the time of death. However, this interest is not as strictly applied as dower and a wife can sell or transfer land without having her husband give up his curtesy interest.

Children*

Every parent in Ontario is required by The Children's Maintenance Act to maintain and educate his or her children until they reach the age of 16. If the husband is not able to fulfil this obligation, the wife is obliged to support her children. Parents who fail in this duty are liable to be imprisoned for up to three months. A child is legally permitted to leave home at the age of 16 if he or she is self-supporting.

Persons leaving children under the age of ten unattended for an unreasonable period of time are guilty of an offence and subject to a fine or imprisonment upon conviction.

Children's Aid Societies

The Child Welfare Act provides for the protection of children in Ontario. The Act is administered through 51 Children's Aid Societies, which cover all counties and districts, as well as separate sectarian societies in Toronto, Hamilton and Windsor.

Some of the functions of the Children's Aid Societies are: the investigation of allegations that children may be in need of protection; the protection of children where necessary; the provision of care for children assigned to the society; the placement of children for adoption; the provision of assistance to unmarried parents; and the provision of counselling and other services to families for the protection of children or the prevention of circumstances requiring the protection of children.

The Children's Aid Society, a constable or other police officer may take any child apparently in need of protection to a place of safety and keep the child until he can be brought before a judge of the Provincial Court (Family Division), or may apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge.

If the judge finds that the child is one whose physical, mental and moral health is being neglected, he may order either that the child be returned to his parents, guardian, or any other persons subject to the supervision of the Children's Aid Society, or that the child be committed temporarily or permanently to the care of the Society, subject in either case to any visiting privileges which he finds appropriate.

Children temporarily committed to the care of the Children's Aid Society are known as Society wards, and it is hoped that they will return to their homes as soon as the Society has had the opportunity to counsel and strengthen the family. If after two years it becomes apparent that the family cannot be rehabilitated, a judge may order that the children become Crown wards, in which case the Society assumes the responsibility of a legal guardian for them until the age of 18. The wardship can be extended by the court to age 21 if there appears to be a valid reason for doing so, such as continuing education.

Adoption

Residents of Ontario may apply to the Children's Aid Society to adopt children. Approval of the Children's Aid Society is required in all adoptions, including those of children placed privately and those in which relatives adopt a child. An application for adoption may be granted if investigation by the Society shows that the applicant is suitable and the adoption appears to be in the best interests of the child.

The adopted child assumes the surname of the adopting parents, and his given name may also be changed at the time of adoption. The adopted child becomes the child of the adopting parent, for all purposes as if he had been born to them.

Children Born Outside Marriage

Children's Aid Societies may act to protect children born outside marriage and provide counselling services for the parents of such children. The Society will not usually interfere where the child is being voluntarily cared for by a person whom the Society considers is suitable.

The Society may assist the mother and the alleged or putative father in making an agreement for the support of the child. If such an agreement is not adhered to and if sufficient evidence is produced, a judge may make an affiliation order declaring the alleged father to be in fact the father of the child, and requiring him to pay for the maintenance of the child until the child is 16 years old.

A child born out of wedlock to parents who subsequently marry is considered by The Legitimacy Act to have been legitimate from the time of the birth, but the birth must be registered with the Ministry of Consumer and Commercial Relations. If the mother marries a man other than the child's father, her husband may, with her, jointly, adopt the child.

Divorce, Separation and Desertion

If a husband deserts his family, a judge of the Provincial Court (Family Division) may order him to pay regular sums to his wife for the maintenance of herself and their children. Allowances are paid by the local municipal welfare officer to needy mothers if the father is unwilling or unable to support his children. Also, allowances are payable directly by the Province to a wife who is in need and who is deserted, divorced or widowed. In addition, every mother in Canada is entitled to receive a monthly allowance for children under 16 years of age from the Department of National Health and Welfare, and a Youth Allowance to 18 if the child is in school.

In a divorce action where there are children under 16 years of age, the Children's Aid Society investigates the plan for caring for the children and reports the proposed plan to the Official Guardian prior to the court hearing.

After separation or divorce there may be a dispute between the parents as to the custody and maintenance of the children. If there is, the court may make provision for this and may



also order the father or mother to make payments for their children's support or order any property settlement that it deems to be in the best interest of the children.

In practice there is a strong presumption that when a marriage breaks up the mother should have the custody of any young children. Before this presumption can be upset, the father must prove that the mother is a person unfit to look after the children. In any event, the court may still make an order respecting access to the children and allow the parent who does not have custody to see them at regular intervals.

Parents' Maintenance

Under certain circumstances, children may be obliged to contribute to their parents' support. Parents who feel entitled to support may appear before a judge of the Provincial Court (Family Division) to show that they are entitled to be supported by one or more of their children, either because they are destitute or because they are unable to maintain themselves due to age, illness or infirmity. The judge may then order one or more of the children to appear in court. If the judge is given sufficient evidence that the parent is entitled to maintenance and that the children are capable of paying it, he may order the children to pay their parents an amount not exceeding \$20 a week. The children can apply to have the amount reduced if there is any change in the parents' circumstances or their own.

The fact that a daughter is married does not relieve her of this responsibility. The financial position of her husband will be considered in determining her share of the responsibility.

Therapeutic Abortion

The Criminal Code of Canada prohibits the procurement of a miscarriage except under the following circumstances.

A woman may legally obtain an abortion if the majority of the members of a therapeutic abortion committee certify that, in their opinion, the continuation of the pregnancy of that woman would, or would be likely to, endanger her life or health. Generally, the definition of "health" depends upon the particular committee, although psychiatric evidence, such as the possibility of mental illness or a suicide attempt, is usually considered.

Therapeutic abortion committees are appointed by the Boards of Governor, Trustees or Directors of accredited hospitals who intend to perform abortions. About two-thirds of the accredited hospitals in Ontario have appointed such committees. The provincial Minister of Health may also approve non-accredited hospitals for the appointment of therapeutic abortion committees provided that they have the necessary staff and facilities. Each therapeutic abortion committee must consist of at least three qualified medical practitioners. If an application for termination of pregnancy is granted, the approved abortion may only be performed by a qualified medical practitioner who is *not* a member of *any* therapeutic abortion committee.

Consumer Protection

The Consumer Protection Act is designed to protect the buyer's rights in the market place.

Buying on Credit

Generally, if you buy a product or service worth more than \$50 and the goods are not delivered, or the services are not performed, or full payment is not made at the time when the contract is entered into, you, as the buyer, are entitled by law to a clear, written statement that shows:

- The name and address of the seller and buyer.
- A full description and itemized price of the goods or services plus a detailed statement of the terms of payment.
- The actual cash price of the goods or services purchased.
- The amount of any insurance charges or official fees to be paid under Federal or Provincial law.
- The amount of any down payment or trade-in.
- The amount of all finance charges on the net of the balance to be paid, shown in dollars and cents and as an annual percentage rate.
- The basis by which additional charges can be made if you fall behind in payments.
- A statement of any warranty or guarantee. If there is no guarantee, the contract must say so.

You and the seller must have original signed copies of any contract. (no carbon signatures). Failure to obtain such a writ-

ten statement or contract makes the transaction legally unenforceable against the purchaser. If you make a deposit or give a trade-in without a signed contract and do not receive the goods or services, the seller, at your request, must return your deposit or trade-in.

If the full price of the goods or services is less than \$50, you would be well advised to ask for a contract, listing these points.

Repossession

If two-thirds or more of the purchase price including carrying charges has been paid, the goods cannot be repossessed or resold without permission of a County or District Court Judge.

Door-to-Door (Itinerant) Sales

Sales by door-to-door (itinerant) salesmen are subject to a unique "cooling-off" period of two clear working days. This period comes into effect when you, the buyer, receive a copy of the sales contract. That is to say, you can cancel the contract within that time.

The working days include Saturday, but not Sunday or statutory holidays. The cancellation must be done in writing, and delivered personally, or by registered mail post-marked within the two-day period.

If you are having problems in the above areas, contact: The Registrar, Consumer Protection Bureau, Ontario Ministry of Consumer and Commercial Relations, 555 Yonge Street, Toronto. Send all the facts and enclose any contracts, receipts or guarantees as well as any advertising material that influenced your decision.

The Working Woman

Income Taxes

A woman who is thinking about taking a job should consider the effect which this will have on family income taxes. A husband may normally claim a \$1,400.00 exemption for his wife who does not work, or who works and earns an income not exceeding \$300.00 per year (as amended January 1974). If a wife is employed and earns over \$300.00 per year, the exemption which her husband may claim for her is reduced by the difference between \$1,700.00 and her earnings for the year (as amended January 1974). For example, if she earns \$950.00 her husband may claim an exemption of \$750.00. Where a wife's income for a taxation year exceeds \$1,700.00 she may not be claimed as a dependant by her husband.

A wife who earns more than \$1,700.00 in a year would normally be required to file a separate income tax return. It is conceivable, however, that a wife might claim one or more children of the marriage as dependants, in which case her allowable personal exemptions would be increased by either \$300.00 or \$550.00, or some multiple thereof, as the case may be.

It is usually to the family's advantage for the partner who earns the higher income to claim the children as dependants. Similarly, it is frequently more advantageous for the partner with the higher income to claim the aggregate charitable donations made by the husband and wife during the year. On the other hand, the partner with the lower income may, at times, obtain optimum advantage by claiming any allowable deduction for medical expenses incurred and paid during the year by the husband or wife. With regard to medical expenses paid on a dependant's behalf, such expenses may be claimed only by the partner who claims that dependant in calculating his or her personal exemptions.

If a wife has earned less than \$1,700.00 in a year, and her employer has made income tax deductions from her pay, she should file a return to get a tax refund.

In addition to the above deductions, all employees can claim a new employment expenses deduction of up to 3 per cent of income from employment, with a maximum of \$150 a year. No receipts for this will be required.

In the case of a family where the husband is unable to work and the wife is the primary wage earner, she may claim her husband as an exemption in the same way as a man normally claims his wife.

An unmarried person, including a widow or widower, can claim the married exemption of \$3,000 for supporting a brother, child, or other relative if that person lives in the taxpayer's home (amended January 1974). But a taxpayer claiming the married exemption in these circumstances may not claim the \$300 or \$550 deduction for that dependant as well.

If, in order for a wife to take a job, it is necessary to employ a housekeeper or baby sitter, or to have a child cared for in a nursery school or day care centre, it should be kept in mind that the expense incurred in respect of a child under 14 years of age at any time during the year, or in respect of a child over 14 years of age if the child was dependent upon the wife or husband because of physical or mental infirmity, are deductible from income as of January 1, 1972. Any deduction for child care expenses, which include the cost of baby sitting or day nursery care and up to \$15.00 per child per week for lodging paid at boarding schools or camps, claimed by a wife may not exceed the least of \$500.00 per child, \$2,000.00 for the family, or two-thirds of the wife's earned income for the year. Receipts bearing the social insurance number of the individual who performed the child care services must be retained.

A woman who employs a cleaning person, or other domestic help, may be required to deduct income taxes, unemployment insurance premiums, and Canada Pension Plan contributions from her employee's wages, and, in the case of the latter two items make employer contributions. The employer's responsibilities are related to the employee's employment status (i.e. whether self-employed or an employee) and earnings. Detailed information may be obtained from the local office of the Department of National Revenue, Taxation.

Child Care Facilities

In July, 1970, there were 216 full-day programmes for children operated by licensed public and private nursery schools in the province. In addition, parents can use 425 licensed half-day nurseries making supplementary arrangements for their children's care for the rest of the day. Total accommodation in these day and half-day programmes in 1970 was for approximately 30,000 children.

Municipally operated nurseries receive a subsidy of 50 per cent of their capital costs and 80 per cent of their net operating and renovation costs from the provincial and federal governments, and parents pay according to their financial ability. Several private nurseries have entered into agreement with their municipalities, under which parents unable to pay the full fee of the nursery may be assisted to meet the cost. In this case, the net expense to the municipality is also reimbursed at 80 per cent. There were 199 nurseries in receipt of public funds in 1973.

The Day Nurseries Act provides for an 80 per cent subsidy of operating costs for municipally organized or authorized "Private home day-care". (This is when day-care for not more than five children is provided under qualified supervision in private homes.) Recent amendments (January, 1974) have made these grants available to certain non-profit organizations and centres within universities and colleges.

Information as to the regulations governing the establishment and operation of nurseries may be obtained by writing to the Day Nurseries Branch, Ministry of Community and Social Services.

Labour Legislation

Under The Canadian Constitution (British North America Act) the provinces have principle authority in matters of labour legislation. This means that most working women in Ontario are covered by the Ontario labour laws outlined in the following pages.

However, the Federal government has authority to legislate in labour matters in certain industries and undertakings. The minimum standards and working conditions for employees in these types of operations are governed by The Canada Labour (Standards) Code. Examples of undertakings to which federal labour legislation applies are — communications, banks, interprovincial transportation, and federal Crown corporations such as Air Canada.

If you are employed in a business which is under federal jurisdiction, you should contact a regional office of the Canada Department of Labour for further information.

Equal Job Opportunity

The Ontario Human Rights Code (amended 1972) prohibits discrimination because of sex or marital status in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment and mem-

bership in trade unions or self-governing professions. Classifying a job as "male" or "female" or maintaining separate seniority lists based on sex or marital status is in violation of the Code.

Some jobs however, cannot reasonably be performed because of sex or marital status. In such cases employers, unions or individual employees should contact the Ontario Human Rights Commission for information concerning the possibility of an exemption.

In future, fringe benefit plans such as pensions, life and medical insurance containing differentials based on sex or marital status will be prohibited. This provision is not in effect at the present time.

Advertisers may not place and newspapers may not print advertisements indicating, directly or indirectly, that sex or marital status is a job qualification. Help-wanted columns segregated according to sex are prohibited. Similarly, employers may not place and employment agencies may not receive job orders restricted to one sex.

Persons who have reason to believe that they have been discriminated against in employment because of their sex or marital status should contact the Ontario Human Rights Commission, Ministry of Labour. Complaints may also be filed on behalf of another person with their consent. Reprisals against any person who has made, or may make, an inquiry or complaint under the Code are prohibited.

Equal Pay

The equal pay provision of The Employment Standards Act, states that: No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, employed by him for the same work performed in the same establishment, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, except where such payment is made pursuant to

- a) a seniority system;
- b) a merit system;
- c) a system that measures earnings by quantity or quality of production; or
- d) a differential based on any factor other than sex.

A woman who has reason to believe that she is receiving less pay than a man in her company for doing the same work should bring it to the attention of the Employment Standards Branch of the Ministry of Labour. Her name will not be revealed to her employer.

In addition, field officers of the Employment Standards Branch make routine inspections. Wages withheld in violation of this provision are recovered in the form of unpaid wages, under the supervision of the Ministry of Labour. This law covers all women employees, regardless of occupation.

Wages and Working Conditions

Although wages and working conditions will vary with individual employers, contracts of employment and collective agreements, there are certain basic minimum standards that are established by law.

Homeworkers are covered by the legislation pertaining to minimum wage, vacations with pay and equal pay for equal work, but domestic workers in single private family residences are exempted.

Minimum Wages

The minimum wage in Ontario is \$2.00 an hour (amended January 1974). It applies to both men and women, and to full and part-time employees. Effective October 1, 1974, the minimum wage will be \$2.25 an hour.

There are variations to this minimum wage in some industries and occupations. Students who are under 18 years of age, learners, construction workers, ambulance drivers, driver's helpers or first-aid attendants are affected by these variations. Details can be obtained from the Employment Standards Branch of the Ministry of Labour.

Where employees are employed on the basis of receiving meals and/or room as part of their wages, the maximum amount at which meals or rooms may be charged against the minimum wage is: \$8.00 per week for room; 85 cents each for meals up to a limit of \$17.00 per week; \$25.00 per week for both room and meals.

It is unlawful for an employer to hire a person as a learner or trainee at no pay during the training period. The law requires that learners must be paid.

Employees who believe that they are being paid less than the minimum rate provided for by law are advised to inform the Employment Standards Branch of the Ministry of Labour.

Similarly, a person who is not paid for work done should notify the Employment Standards Branch, which has the authority to collect unpaid wages, including overtime pay and vacation pay, up to a maximum of \$2,000 for each employee.

Statement of Earnings and Deductions

At the time wages are paid the employer must provide his employees with a written statement showing the period of time for which the wages are paid, the rate of wages and total amount, a list of deductions and the reason therefor, and the net amount being paid.

Hours of Work

A maximum work week of 48 hours applies to both men and women in Ontario. Supervisory personnel and certain classifications of professional workers are exempted. Under certain circumstances a permit to work overtime may be obtained by the employer from the Ministry. The permit allows up to 100 hours of overtime per employee per year. No female employee under 18 shall work more than 54 hours in any week.

Overtime Pay

Employees who work more than 48 hours in any one week shall be paid a minimum of at least 1½ times their regular rate of pay. Beginning January 1, 1975, overtime pay of at least 1½ times the regular rate of pay shall apply to employees working more than 44 hours in any one week.

Statutory Holidays

In 1974 employees will be entitled to four paid statutory holidays: Good Friday, Labour Day, Dominion Day and Christmas Day. In 1975, employees will be entitled to three additional paid statutory holidays: New Year's Day, Thanksgiving Day and Victoria Day.

To qualify for a paid statutory holiday an employee must: be employed for the three months immediately prior to the holiday; work 12 of the 30 days preceding the holiday; and work on her regular day of employment preceding and following the holiday.

If the employee agrees, the employer may, within 30 days, substitute another working day for the holiday.

If a qualified employee, without a substitute arrangement, works on a statutory holiday, she must be paid at 1½ times her regular rate of pay. An employee, not qualified for a paid statutory holiday, must be paid at a rate 1½ times the regular rate of pay for each hour worked on a statutory holiday.

Night Work

If a woman works on a shift that begins or ends between midnight and 6:00 a.m., she must be provided with private transportation from or to her home by her employer. A privately owned auto is considered private transportation. No female employee under 18 shall work in an establishment between midnight and 6:00 a.m.

Vacations With Pay

All employees are entitled to vacation pay equal to at least 4 per cent of the total pay of the employee for the year. If employment is for less than one year, an employee is entitled to receive, upon termination, vacation pay equal to at least 4 per cent of all her earnings during the period of employment (amended January 1974). After the first year of employment, employees are entitled to an annual vacation of at least two weeks with pay. The employer has the right to determine the period when an employee may take her vacation and, in the case of a two-week vacation, it may be arranged in two consecutive weeks or in two periods of one week each.

Meal Periods

After every five hours of work, an employee shall be given a meal period of at least one half hour or such shorter period as is approved by the Director.

Coffee breaks during a shift are not required by law, but are usually considered to be good company policy and personnel practice.

Termination of Employment

The Employment Standards Act has been amended to require written notice of termination of employment for those who have been employed for at least three months.

The minimum amount of notice required is related to the length of employment as follows:

<i>Period of Employment</i>	<i>Notice Required</i>
3 months to 2 years	1 week
2 - 5 years	2 weeks
5 - 10 years	4 weeks
10 years or more	8 weeks

After giving written notice the employer must *either* a) continue the employment of the employee until the required period of notice has expired, *or* b) the employer may terminate the employee immediately, provided that he pays the employee what he would normally have earned, without overtime, if he had worked out the required period of notice.

The amendment also requires longer periods of notice in the event of collective dismissals involving fifty or more employees.

This amendment was proclaimed in effect on January 1, 1971 and further inquiries should be directed to the Employment Standards Branch of the Ministry of Labour.

Separating employees are entitled to receive vacation pay.

Sick Leave

There is no provision in Ontario's labour law for sick leave. It is a matter of individual company policy, or employer and employee negotiations whether or not employees are entitled to time off for illness. The Unemployment Insurance Act provides for up to 15 weeks of benefits for those who have to stop working because of illness (see "Unemployment Insurance" section, pg. 18).

Pregnancy Leave

The Employment Standards Act prohibits dismissal for pregnancy and provides for 12 weeks' unpaid pregnancy leave for employees who have worked for an employer for at least one year before the commencement of the pregnancy leave.

All employers of 25 or more employees of both sexes are bound by the pregnancy leave provisions.

Pre-natal Leave

On presentation of a medical certificate, an employee may initiate the leave at any time within six weeks of the expected date of birth. Or the employer can initiate the leave even earlier if he can show that the employee cannot perform her normal duties adequately.

Post-natal Leave

This is six weeks unless the employee produces medical authorization for an earlier return to work. Of course, longer periods of post-natal leave may be negotiated with the employer.

The intent of the legislation is that the employee should return to the *same* position or a *comparable* one in terms of work setting, level of responsibility, and remuneration. If a post-natal leave of longer than six weeks has been arranged then the position on the return is also open to negotiation.

The Act does not provide for income maintenance or accumulation of seniority and benefits during pregnancy leave, but an employee must not lose seniority or benefits which have accumulated up to the point of leave-taking. The provision relating to seniority and benefits provides for a minimum standard only and in no way affects more beneficial arrangements.

Inquiries about pregnancy leave should be directed to the Ministry of Labour.

Under the new Unemployment Insurance Act, pregnant women are eligible for up to 15 weeks of benefits during their pregnancy leave (see "Unemployment Insurance" section, page 18).

Industrial Safety

The Industrial Safety Branch of the Ministry of Labour conducts a programme of inspection and consultation to eliminate unsafe working conditions.

Any person who feels that there are unsafe working conditions existing in an industrial establishment should contact the Industrial Safety Branch.

Lifting Weights

There is no law which categorically limits the weight which women may lift. The Industrial Safety Act, however, provides that no person (male or female) shall be required to lift, carry, or move anything so heavy or in such a manner as to be likely to endanger his or her safety or the safety of any other person in the industrial establishment.

Rest Areas

Where an employer employs thirty-five or more persons, or where he is so directed by an inspector, he must provide a place for employees to eat as well as any equipment that may be required by the inspector.

When ten or more women are working, the employer must provide a rest room or other place affording reasonable privacy, with one or more couches or cots and chairs.

The exact number of toilets and washbasins required depends on the number of employees.

Detailed information about the above, and other safety regulations, can be obtained from the Industrial Safety Branch of the Ministry of Labour.

Injury

Under The Workmen's Compensation Act most employers must insure their employees through the Workmen's Compensation Board against injuries that occur on the job or as a result of employment.

According to the circumstances, medical expenses, compensation for income lost during temporary total disability and pensions for permanent disability may be paid by the Board to injured workers. Special medical and rehabilitation services may be provided to enable the individual to return to useful work as soon as possible.

The employer is initially responsible for promptly reporting all industrial injuries to the Workmen's Compensation Board.

For more information, contact the Workmen's Compensation Board, 90 Harbour Street, Toronto 1.

Ontario Human Rights Code (amended 1972)

As well as prohibiting job discrimination on the basis of sex and marital status, the Code also bans discrimination against minority groups and older workers. Under the Code, discrimination against any person with regard to employment, terms or conditions of employment, or membership in trade unions because of sex, marital status, race, creed, colour, nationality, ancestry, place of origin or age is prohibited. Age is defined as from 40 to 65 years. Employers or employment agencies may not use signs, advertisements or application forms or make inquiries which might be discriminatory on any of these grounds. Self-governing professions are prohibited from restricting membership on any of the above grounds, with the exception of nationality.

Exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit are only exempt when a factor such as religion constitutes a bona fide occupational qualification.

Where a person has or may lodge a complaint, or has co-operated, or intends to testify in any investigation by the Commission of a complaint, it is illegal for an employer to engage in reprisals, such as dismissal, threats of dismissal, coercion, or the imposition of penalties.

To file a complaint or request further information regarding human rights legislation, contact the Ontario Human Rights Commission, Ministry of Labour, 400 University Avenue, Toronto 2, Ontario.

Unemployment Insurance

Unemployment Insurance is a federal, rather than a provincial matter. Extensive revisions to the Unemployment Insurance Act came into effect on January 1, 1972. Basically, these changes provide for nearly universal coverage of all employees, easier qualification for increased benefits, and the introduction of benefits during sickness and pregnancy leave. For more details you should inquire at your local office of the Unemployment Insurance Commission.

Acknowledgement

The Women's Bureau wishes to acknowledge appreciation to E. Marshall Pollock, Q.C., Assistant Deputy Attorney General, Policy Development, Ontario Ministry of The Attorney General, for his advice on legal matters.



